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THE TRACTATE "MOURNING"

(*ŠĖMAḤOT*)

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# The Tractate "Mourning"

(*Sēmaḥot*)

(Regulations Relating to  
Death, Burial, and Mourning)

TRANSLATED FROM THE HEBREW,  
WITH INTRODUCTION AND NOTES, BY

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With an Appendix:  
The Hebrew Text of the Tractate,  
Edited from Manuscripts by  
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TO MY MOTHER  
AND TO THE MEMORY OF MY FATHER

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# INTRODUCTION

## I

*'Eḥel rabbaṭi*,<sup>1</sup> generally referred to by its euphemistic title, *Šēmaḥoṭ*<sup>2</sup> (henceforth, Sm), "Rejoicings," is the classic Rabbinic text on death and mourning. A work bearing this name is mentioned in the Babylonian Talmud as the source for three Tannaitic rulings. In response to a query on the nature of the work, the Gaon Natronai<sup>3</sup> writes: "*'Eḥel* is a tractate of Mishnah containing most of what is taught in *'Elu mēḡallēhin*;<sup>4</sup> there are two such tractates, one major, the other minor."<sup>5</sup> Whether the tractate on mourning described by the Gaon and cited in the Talmud is to be identified with the present text is a problem disputed by modern scholars;<sup>6</sup> the medieval commentators apparently took this identity for granted.<sup>7</sup>

1. Literally, "Major Mourning." This Hebrew-Aramaic title, of which the first word is masculine and the second feminine, is grammatically difficult. It has been suggested that the designation was preceded by a feminine noun which in time fell away, the full title having been *Masseket* (or *Mišnah*) *'Eḥel rabbaṭi*, "The Major Tractate on Mourning" (*Jahrbücher*, p. 6; C. M. Horowitz, *Tosēfaṭah 'atiḡaṭah* [Frankfurt, 1890], Pt. 2/3, p. 1). The general reader is urged to consult the JE, Strack, or Mielziner to familiarize himself with the Rabbinic terminology employed in this book and for a description of the tractates under discussion.

2. This euphemism is not mentioned in the Talmud, nor is it used by the Geonim or the early North African, Spanish, and Italian scholars who followed them—Rabbenu Hananeel, Rabbi Isaac Alfasi, and the author of the *Aruch*, Rabbi Nathan ben Jehiel. Rashi, however, who was a contemporary of Rabbi Nathan, does use the term (see below), indicating that it was already well known to Franco-German scholars in the eleventh century.

3. Natronai ben Hilai, the head of the academy at Sura (853–58).

4. Literally "Who are they who cut (their hair)"—the beginning words, and hence title, of the third chapter of MḲ.

5. *Hemdah gēnuzah* (Jerusalem, 1863), Sec. 90, p. 17a. Cf. *Aruch*, 1, 11; *Tēṭuḡoṭ hag-gē'onim*, ed. S. Assaf (Jerusalem, 1928), p. 176. On the identity and text of the minor tractate, see *Jahrbücher*, pp. 10 ff.; Horowitz, pp. 1–40; SmH, pp. 59–72; 211–229.

6. L. Zunz, *had-Dēraṣoṭ*, ed. H. Albeck (Jerusalem, 1954), p. 45; *Jahrbücher*, p. 7 and n. 7; I. H. Weiss, *Dor dor wē-doršaw* (Vienna, 1876), 2, 246; EH, 1, 155.

7. Rashi to B. MḲ 24a and 26b; Rashi, *ibid.*, ed. E. Kupfer (Jerusalem, 1961),

In any case, the assertion that it is "indeed clear"<sup>8</sup> that our text is not to be identified with the Talmudic 'Eḥel rabbaṭi is unjustified, for an examination of Talmudic citations leads to no such conclusion. In each case, the citation is introduced by an Amora with the formula *tanna*<sup>9</sup> *bē-'Eḥel rabbaṭi*, "it has been taught in the Major (Tractate) on Mourning":

(1) A<sup>10</sup> mourner is forbidden the marital bed. It once happened that a man was intimate with his wife during mourning and his remains<sup>11</sup> were dragged away by pigs (B. MḲ 24a).

(2) A<sup>12</sup> mourner should not hold a baby in his lap, lest this<sup>13</sup> should lead to levity, and he should be disgraced in the eyes of the public (*ibid.* 26b).

Whereas these two statements on mourning from MḲ are not found in our text, the following one from *Ket*, not dealing with mourning, appears in it in a modified form (at the end of Chap. 2):

(3) When<sup>14</sup> does this apply? If she was divorced after marriage; but if she was divorced after betrothal, she may be

pp. 77 and 88; *Šiṭṭah-II*, p. 111; RŠBH, p. 112; Rashi to B. Ket 28a; RID, *ad loc.*; RAN to RIF, *ad loc.*

8. Weiss, p. 246.

9. On the term, see MLM, 1, 144 ff.; 2, 1291-97. On the variant, *tanya*, found in the texts of many medieval scholars (e.g. RIF to MḲ, Sec. 1237), see MLM, 2, 814 ff.

10. Cited by Rafram bar Pappa; for the variant, "Raḥ Pappa," see DS, 6, MḲ, 79, n. 50.

11. Others explain, "his *membrum virile*" (Rashi, *ad loc.*; *Šiṭṭah-II*, *loc. cit.*; below, iv, 1; cf. P. MḲ, 3:5, 82d). All the ancients apparently understood that punishments ought to be "appropriate to the nature of their faults" (Cumont, p. 174). Cf. below, note to xii, 13; and cf. Soṭ 1:7, 8.

12. Cited by Raḥ Pappa. In the citation of TH, 66c, the name is "Rafram bar Pappa."

13. This translation is in keeping with the variant in TH, *loc. cit.*

14. Cited by Raḥ Naḥman.

paid in person, for he is not likely to take liberties with her (B. Ket 28a).

That these citations are not found in our text is no proof that they were not there once and were not in the course of time omitted, either intentionally by a later editor or scribe writing an elliptic text, or unintentionally as a scribal error. The palimpsest *L*, for example, is just such a manuscript, transmitting an abridged text with huge lacunae throughout.

Can it, on the other hand, be assumed that it is the same work? As we have indicated, this was no problem for the medieval commentators. They clearly identify the Talmudic 'Ebel rabbati with Sm. Rashi, Rabbi Solomon ben hay-Ya'om, and Rabbi Isaiah di Trani<sup>15</sup> even cite the introductory sentence, so as to leave no doubt that it is the same work. From this we learn that they were familiar with a text of Sm that at least began as ours does. We cannot, however, assume anything more than this, for the Geonim and most of the early codifiers cite this sentence in another context, and the work thus quoted by them need not necessarily be identical with our 'Ebel rabbati (with some variant readings), but may be a different version of it.<sup>16</sup>

Did then the medieval scholars have in their hands a text of Sm that included the Talmudic citations? This, of course, is possible—they cite many rulings in the name of Sm which are not found in our text.<sup>17</sup> Moreover, the same collection of mourning laws may have developed along different lines as a result of

15. Above, n. 7.

16. For an extensive listing of medieval scholars who cite this passage, see SmH, 97, n. 3. Except for the *Mordecai* (MḲ, Sec. 910) and the *Sefer hat-t'rumah* (81a), all the early codifiers quote the introductory sentence and continue with Sec. 2, omitting "He may obligate . . . until the moment he dies" (SmH, *ibid.*, lines 3-5). To be sure, they may be following HG (p. 215) and RIF (MḲ, Sec. 1237), who may have contracted the text, and this is commonly done as a matter of course, to fit the needs of a code of law. An examination of the citation in TH (15d), however, seems to indicate that there could still have been extant another version of Sm, other than the one Naḥmanides designates as *Mēḳilta 'aḥāriṣi dē-'eḥel* (see below).

17. See SmH, pp. 242-47; cf. 233-42; see also RAN, p. 74, n. 4; GRA to ŠA-YD, Sec. 339; and Tosafot to Ḳid 78b, *s.v. lo'.*



oral and written—and, as we have stated earlier, intentional and unintentional—omissions and interpolations. Naḥmanides, whose *Toraḥ ha-'aḏam* is the most comprehensive medieval work on this subject, cites one Halakāh as a variant<sup>18</sup> to a reading in 'Ebel rabbaṭi, and several others as stemming from what he designates as a *Mēḳilta 'aḥāriṭi dē-'eḥel*, "Another collection of mourning laws."<sup>19</sup> Furthermore, not one of these scholars, in identifying the Talmudic 'Ebel rabbaṭi or in commenting on it, ever states that the citation is missing in his text of Sm.

Nevertheless, so long as we have no other evidence—a manuscript from another family (perhaps the *Mēḳilta 'aḥāriṭi dē-'eḥel*), or a citation from an early scholar including the Talmudic references<sup>20</sup>—we cannot claim with certainty that the medieval scholars had that kind of text before them. Similarly, without further textual proof, we can only state as a conjecture that our Sm represents a very early recension of the 'Ebel rabbaṭi mentioned in the Talmud.

How early? Modern scholars, although recognizing that the material is very early, favor a late date, placing the time of final redaction at about the middle of the eighth century.<sup>21</sup> The proofs that they adduce as a result of a textual study of the parallel passages of Sm that are found in the Babylonian and Palestinian Talmuds may be divided into two main categories:

- (1) The text presupposes the later Amoraic discussions in both Talmuds.
- (2) The text betrays a lateness of idiom and structure.

These proofs, however, are often unsubstantiated and generally

18. TH, 16a.

19. TH, 35a and c; 38b; 64a. For the variants of these citations in MSS Adler and Sulzberger see SmH, pp. 19–21; 230–33.

20. Showing that it comes from his text of Sm, and not as a citation from the Talmud (cf. RIF, *loc. cit.*; TH, 66c).

21. *Jahrbücher*, p. 48; Weiss, p. 246 f. M. Higger, who briefly describes a number of theories advanced by the medieval and modern scholars as to the date, does not, however, enter into this problem himself, maintaining that a conclusion cannot be reached until each of the minor tractates is analyzed as a unit and then compared to the others (SmH, pp. 13–14).

inconclusive. Where passages are cited to show clear Babylonian influence, suggesting a late date, one can sometimes argue the reverse, and more often say with caution, "It is not necessarily so!" The similarities between Sm and its parallels in the Palestinian Talmud are legion, but it is not always clear which text influenced the other.

Let us illustrate each of these categories with examples from several modern scholars. I. H. Weiss, who follows Brüll in suggesting a late date, maintains that iii, 1 was taken from the Palestinian Talmud (Kid 4:11, 66c), the statement "the Sages having spoken merely in terms of what generally happens," found in Sm and missing in P., being the explanation of a later redactor.<sup>22</sup> This claim is unwarranted, for such kind of editorial comment often appears in the Mishnah itself (e.g. Shab 6:6 and 9). Moreover, the sequence of the Halakot that follow this Section in Sm could indicate the reverse, that the editor of the Palestinian Talmud took this Section and part of Sec. 2 from Sm.<sup>23</sup>

Similarly, on the basis of the term "*Talmud*" (vi, 1), M. Klotz asserts that Sm is "without doubt" later than its parallel passage in the Babylonian Talmud (MḲ 21a), for in the parallel the abbreviation *Ṣas*, "the six orders of the Mishnah," is found in its place.<sup>24</sup> This claim is clearly baseless, for the abbreviation is a late substitution by the censor, the correct reading being found

22. Weiss, p. 246, n. 2.

23. Weiss also claims (*ibid.*, n. 3) that ii, 12; iii, 2; and iv, 6, are all based on the discussions of their parallel passages in B., P., and Sif (for references to these parallels, see the notes to the text). We suggest that an examination of these parallels leads to no such conclusion. The assertion, however, that the supporting verses of iii, 8, are not integral to the Baraita but are rather the Talmudic explanation of a later date (P. Bik 2:1, 64c; B. MḲ 28a) merits consideration. If, indeed, that which follows, from *u-kēṭib . . .*, "and it is written: *Thou shalt come to thy grave in ripe age*" (P. *ibid.*), to the end of the discussion, is Amoraic (Prof. Lieberman believes that even this is subject to doubt), its appearance in Sm is then best explained as a late interpolation in the text. It would be unsound to base a theory for a late date on this alone. Moreover, fragment D of Sm (see note to xiii, 7) contains an example of this kind of an interpolation, explicitly referring to P. as its source. Similarly, on the dangers of dating a classic Palestinian text as late because of alleged Babylonian influence, see *Dēḥarim rabba*, ed. S. Lieberman (Jerusalem, 1940), p. 22.

24. SmK, pp. 4-5.

in the Munich Codex (DS, 6, 70, n. 4), Rabbenu Ḥananeel, *ad loc.*, and in other early commentaries.

Let us now turn to questions of literary structure. The point of contact between vi, 8 in Sm and the text preceding it, is stylistic. Since the phrase "three days" is mentioned, the editor, probably as a mnemonic, lists several laws (vi, 8-10) with which a three-day period of time is integral. Why the editor cites these particular laws when there are so many more scattered throughout Tannaitic literature is an unanswered question raised by M. Higger.<sup>25</sup> But this is a question that can be raised whenever there is a structural arrangement of Halakot, rather than a thematic one—several are listed, while others that might just as easily have been included are omitted. Similarly, the point of contact between vii, 8 and the preceding text is the appearance of the phrase "thirty days." In a structural arrangement common to the Mishnah,<sup>26</sup> the rulings of this Section are first listed and then discussed, clause by clause.<sup>27</sup>

The assertion of Brüll that this kind of structural arrangement is "unmistakable" evidence of a late date, the editor of Sm making use of both Talmuds,<sup>28</sup> is unfounded. One can only claim that the editor drew from earlier Tannaitic sources. Other indications of a late date, according to Brüll, are to be seen in the appearance of such expressions as "an alternate reason" (iv, 7), "the general rule is" (ii, 1; iv, 5; vii, 7), "as a result of this, the Sages said" (ii, 5), "some say" (viii, 8), and in the disproportionately high usage of actual incidents (*ma'āseh*) in the text.<sup>29</sup> All these expressions, however, are found in abundance throughout Tannaitic literature, and as for the repeated use of the *ma'āseh*, do we indeed have a text from the Amoraic or Gaonic period in which

25. SmH, p. 32.

26. E.g. Sanh 7:4-11.

27. Note that whereas the first three rulings (vii, 9-11) are germane to the text, what follows in this Chapter is included by way of digression, the phrase "thirty days" being integral. Note, too, that vii, 21-25, may represent a later accretion, since these Sections are not listed in the introductory series of Sec. 8.

28. *Jahrbücher*, p. 37, n. 76.

29. *Ibid.*, p. 38, nn. 78-80.

the *ma'āseh* does appear with telling frequency? Only if this were so could it be argued that its repeated use in Sm is a sign of a late date.

In the appearance of the name Simeon ben Jehozadak, however, one might see an apparent obstacle to a very early date.<sup>30</sup> If, indeed, this name is to be identified with the famous teacher of Rabbi Johanan, it would follow that the latest authority mentioned in Sm is a transitional figure who, although cited in a Baraita,<sup>31</sup> is generally considered to be among the first generation of Amoraim.<sup>32</sup> In his commentary on the Palestinian Talmud, however, L. Ginzberg expresses doubt as to whether this identification is justified: in none of the Sm variants does the title Rabbi precede the name, whereas whenever the name is mentioned elsewhere, it is at all times *Rabbi* Simeon ben Jehozadak.<sup>33</sup>

What was formerly expressed as a doubt may now be maintained as a certainty: the Simeon ben Jehozadak of Sm is not the Sage whose decisions are quoted by Rabbi Johanan. The proof is supplied by a variant reading. In the Section in Sm in which the name is mentioned (iv, 7), the text also states that "inquiry was made of the Sages," this being the reading of all the MSS. According to the reading of several medieval scholars,

30. Modern scholars were not troubled by the appearance of this name, nor do they cite this as proof, because they all take for granted a much later date for the text. Note, too, that when the grandchildren of Rabbi Judah the Prince (Hillel and Judah) appear in viii, 4, they are not cited as authorities but rather in the context of a *ma'āseh*, as children of the Naši' family, and as such they appear together in Tannaitic sources (Tos MḲ 2:15, 16). When, however, Judah, the grandson of Rabbi Judah the Prince, appears in the Mishnah as an authority, it is clearly an interpolation. See Rashi to Mishnah of B. AZ 35b; cf. Tosafot to *ibid.*, 36a, s.v. 'āšer; and see MLT, pp. 230-32.

31. B. Suk 11b.

32. TTA, 3, 1177d-78a.

33. The appearance of the title in the Sm citation found in TH (45d; cf. MS Adler, 11a; and *Yohāsin*, pp. 66 and 194—not noted in LG, 2, 104) does not, however, weaken the argument. This title is missing in MS Sulzberger (75a), and in view of what we shall say later, must be assumed to be erroneous. What was also found to be "somewhat difficult," the presence of two Galilean Sages at a funeral in Lud, which is in the south (P. Ber 3:1, 6b), was, of itself, not meant to be conclusive.

however (e.g. Naḥmanides, Rabbi Solomon ibn Adret, and Rab-benu Asher ben Jehiel),<sup>34</sup> this inquiry was made of "the Sages and Rabbi Ṭarfon." This presents a problem in chronology, for how could Rabbi Ṭarfon, a second generation Tanna who as a child witnessed the Temple service,<sup>35</sup> be present at the death of a first generation Amora (third century)?

Although our text need not be emended to include "Rabbi Ṭarfon," the reading of the medieval scholars cannot be ignored. Furthermore, their reading is corroborated by the citation in the (16th century) *Yohāsīn*,<sup>36</sup> whose author was also troubled by the impossible chronology, because he, too, identifies Simeon ben Jehozadak with the teacher of Rabbi Johanan.<sup>37</sup> The difficulties are removed, however, if it is assumed that the name Johanan belonged to a priest who died in Lud and was a contemporary of Rabbi Ṭarfon, the same name occurring in different periods of Rabbinic literature.<sup>38</sup>

We have thus found nothing in Sm pointing decisively to a late date. On the contrary, it can now be stated that the latest authorities mentioned in the text are the Tannaim of the fifth generation, Rabbi Judah the Prince and his contemporaries. Moreover, the language is Mishnaic Hebrew, and its style and structure, the literary formulation and sequence of the Halakāh and the Aggadah,<sup>39</sup> is always that of the Tannaim. In the ab-

34. TH, *loc. cit.*; RAŠBA, 1, Sec. 292; ROŠ to MḲ, Sec. 39.

35. B. Ḳid 71a; TTA, 2, 524 ff.

36. *Loc. cit.*; cf. ŠY and NY.

37. Rabbi Abraham Zacuto (*Yohāsīn, ibid.*) compounds the difficulties by reading, or erroneously adding (perhaps as an act of deference), the designation "Rabbi" to the Johanan of our text (iv, 7). Brüll, who notes this, fails to mention that this was also done in the case of Simeon ben Jehozadak (*Jahrbücher*, p. 39, n. 83). Instead he gives references to show that the Sage lived in Lud, indicating further that Sm supplies the unknown biographical detail concerning his priesthood. The name Johanan is repeated in Sm (xii, 9), and the designation is once again erroneously added to the TH reading quoted by Brüll (*Jahrbücher*, p. 55; the title is not found in our editions, TH 80a; and MS Adler, 132b).

38. Above, n. 32. Professor Lieberman directs my attention to an Amora with that name who lived when the edicts of Diocletian were in effect (P. AZ 1:4, 39d).

39. Nearly all of which is found in the second half of Chap. 8; see also xii, 13.

sence of further textual evidence and in view of the fact that Sm is clearly identified as Tannaitic by the Gaon Natronai and by all the medieval scholars, it seems preferable to submit to the authority of the ancients and suggest an early date—the end of the third century.

## II

The text of Sm begins with a general rule concerning the legal status of a man in the throes of death: "A dying man (*goses*) is considered the same as a living man in every respect" (i, 1). The term *goses*, it should be indicated, must not be confused with *ṭereḥafah*, a man who cannot possibly survive because of a fatal injury to a vital organ. Since the imminent death of the *ṭereḥafah* is certain, he is called *gabrah kēṭila*, "a man slain," and if one kills him, he cannot be tried, for in the eyes of the Sages he has killed a man already dead. Our text, however, is concerned only with the *goses*, a man who is dying but not necessarily of an obviously fatal organic injury. Although the Sages accept the rule that "most *gosēs* die," i.e. succumb to their illness, yet up to the moment of death the *goses* is legally alive, the rule itself conceding that some may live.<sup>40</sup>

The legal status of the *goses* is, however, called into doubt when he must perforce speak or act, since there is a question whether he is able to exercise his judgment. In such a case the problem arises, is his gift or act of divorcement valid? Otherwise, whenever the question whether a man is alive or dead has legal bearing in itself, even if he does not act (i, 1),<sup>41</sup> and wherever sensibilities may be offended or the high estate of human life endangered (i, 2-6), the dying man is considered the same as a living person in all respects.

In several manuscripts and printed editions<sup>42</sup> the general rule concerning the *goses* is preceded by the following Midrash:

40. YR to B. Sanh 78b, 149.

41. Cf., however, the case of a priest entering the house of a *goses*, Tosafoṭ to B. Naz 43a, bottom; and *Nimmuke Y* to RIF (MḲ), Sec. 1237.

42. B, S, L, E, and the Giustiniani edition of the Talmud (Venice, 1550).

*And it came to pass at MIDNIGHT that the Lord smote all the first-born in the land of Egypt . . . (Exod. 12:29). It is also written, For all the first-born among the children of Israel are Mine . . . on the DAY that I smote all the first born . . . (Num. 8:17).*

And this is how it is reconciled.<sup>43</sup> Rabbi Johanan says: "Even though he dealt them a fatal blow at midnight, their souls did writhe<sup>44</sup> within them until morning. As the saying goes, 'You have given the lad a morsel, let his mother know, (that she might be pleased).'<sup>45</sup> So said the Holy One, blessed be He: 'I will let My children know how their enemies perish by this paralyzing death. Let them, then, remain alive until morning, that My children might gaze<sup>46</sup> upon their foes.'"<sup>47</sup>

This Midrash does not appear to be integral to the text of Sm.<sup>48</sup> It is missing in MSS *A*, *G*, *AB*, and *AJ*, and in the first printed editions (Venice, 1523 and 1547). That it also did not appear in the texts of Sm known to several medieval scholars is clear from their commentaries on the Talmud.<sup>49</sup> The conjecture, however, that this Midrash is misplaced, and that it originally appeared as an appendix to the tractate Sofërim, so as to close it on an auspicious note, seems unwarranted.<sup>50</sup> It finds no support in any MS or printed edition. Moreover, just as there is concern

43. I.e. the apparent contradiction between the verse stating that they were smitten at midnight and the one stating that they were smitten by day.

44. *Mēfarperet*, to be in the agony of death; so *S*, *L*, and *E*. This reading is supported by the parallels: *Pēsikta dē-Raḥ Kahāna* (ed. B. Mandelbaum, New York, 1962), 1, 126 f.; *Pēsikta rabbati*, ed. M. Friedman (Vienna, 1880), p. 87; TŠ, 12, 25, and n. 499. *B*, however, reads *mērafrefet*, "flutter" (SmH, 97, n. 2).

45. *B*. Shab 10b.

46. I.e. in the sense of Ps. 118:7. Cf. *Mēkilla*, ed. J. Z. Lauterbach (Philadelphia, 1949), 1, 250.

47. SmH reads *šēnu'ehem* (probably a misprint) for *son'ehem*, the reading of *B* (*loc. cit.*), *S* and *L*.

48. On the meaning of this Midrash and its place in Sm, see NY, ŠY, and SmH, p. 24.

49. In their works, the law dealing with the goeses is cited as the introductory passage of Sm (above, note 7). Cf., however, the sequence in SmK, p. 12, where *E* is apparently followed.

50. SmH, *ibid.*

that a literary work should close on a happy note,<sup>51</sup> so is there also concern lest it open with what the Sages call *pur'anuta*, "punishment," i.e. an infelicitous theme.<sup>52</sup>

It appears more likely that this Midrash is a late accretion, taken from the Pēsiḳta,<sup>53</sup> remolded, and placed as an introduction to Sm, which itself begins with the word *goses*. For indeed the dying condition of the Egyptian first-born—all of whom were *gosēsim*—was in effect a blessing, marking the beginning of Israel's redemption.

### III

One of the mourning practices discussed in Sm which is not considered elsewhere in Rabbinic literature is the custom of inspecting the dead to make certain that a person had not been buried alive:

One may go out to the cemetery for thirty days to inspect the dead for a sign of life, without fear that this smacks of heathen practice. For it happened that a man was inspected after thirty days, and he went on to live twenty-five years; still another went on to have children and died later (viii, 1).

Rabbi Azulai sees an allusion to this ancient practice in Num. 16:29: Korah and his company cannot be "visited after the visitation of all men," i.e. inspected after they die, because they are fated to be swallowed up by the earth.<sup>54</sup> According to J. N. Epstein, a Tannaitic allusion is also suggested by a variant to the Mishnah (Yeb 16:3).<sup>55</sup> There is no evidence, however, indicating that the practice was Biblical, and except for our text we have found no other explicit Rabbinic reference to it.

A Gaonic tradition which speaks of visiting the grave of a Sage on the third and seventh day after burial has also been ex-

51. Cf. the last Mishnah of MḲ and its Talmud, 29a; and the last two verses of Isa., Mal., Lam., and Eccl. See SmK, p. 10, n. 25.

52. B. BB 14b, and 108a; Tosafot to MḲ 28b; see also J. L. Zlotnik, *Koso šel 'Eliyahu* (Jerusalem, 1958), pp. 25-28.

53. Above, n. 44. SmK, p. 10 f.

54. *Kikkār la-'aden*, 127b (cited in *Jahrbücher*, p. 52), perhaps anticipated in a textual note by Raḅ Hai Gaon (see 2nd note to viii, 1).

55. MLM, 1, 469-71; on possible Christian allusions, see *Jahrbücher*, p. 51.



plained to allude to this practice.<sup>56</sup> This seems unjustified, for whereas Sm deals with a postburial custom followed up to "thirty days" (or "three days," depending on the reading adopted),<sup>57</sup> the Gaon describes one taking place specifically on the third and seventh day. If indeed this refers to inspecting the dead, it should have been followed during the first two days when the custom might have had greater practical significance. It seems more reasonable to assume that the Gaon is speaking of visits to the grave of a Sage, as an act of homage, at the end of three days;<sup>58</sup> again after *šib'ah* (seven days; cf. B. BQ 16b for the case of *šelošim*, thirty days); and according to a parallel Gaonic tradition, again after twelve months.<sup>59</sup>

Attention should also be drawn to a series of mourning rites given prominence in our text that were discontinued in the Diaspora because the Jews feared the consequences of their observance. A mourner, for example, is required to invert his bed during *šib'ah* (vi, 1; xi, 10-19).<sup>60</sup> If, however, he is a guest at an

56. *Yiṣḥaq yērannen* to ŠŠ, p. 44, n. 260.

57. See note to viii, 1.

58. See note to vi, 2. The pagans also visited the grave at intervals, generally on the third, ninth, and thirtieth day after burial (*Psyche*, p. 167, and n. 87), and yet the rabbis permitted this—because, as we have seen, a life had been saved (WJV, 511) and because the practice could be interpreted as an act of necessity or at least deference (cf. below, note 123). With respect to the precautions that must be taken to avoid live burial, Plato states that the *prothesis*, "the laying out of the corpse," must continue for three days, the time "required to prove that the man is not merely in a faint, but really dead" (*Laws*, 2, xii, 531; cf. Pliny, 2, Bk. 7, Secs. 176-178, 623 f.). On the seriousness of this problem even in the 19th century, see E. D. Finkel, *Mēšore Jē'ol* (Warsaw, 1889).

59. *Oṣar*, 4, 48, n. 137.

60. On the symbolism, it is suggested: "Turn over the middleman (i.e. the bed on which life is conceived)!" (P. MḲ 3:5, 83a). Cf. B. *ibid.* 15b. The mourner was made constantly aware of his mourning, even during the night (P. *ibid.*). The practice, however, was not designed to heighten the discomfort of the mourner. If it were, he could have slept on a bench or on the ground, where he would have been even more uncomfortable; yet this is permitted only if he had first inverted the bed (xi, 17; B. MḲ 21a; cf., however, MT, v, 19 [179], and see RADBAZ to MT, iv, 9). The *Pēsiḳta dē-Raḥ Kahāna* (ed. B. Mandelbaum [New York, 1962], 1, 250) cites a mourning practice not mentioned in Sm, similar to inverting the bed and apparently discontinued in antiquity—that of inverting (or extinguishing) the lamps. For a discussion, see GJP, pp. 103-05.

inn, then, the Palestinian Talmud<sup>61</sup> states, this is no longer required, lest he should be accused of sorcery. As a result of this danger the law became inoperative for, as the Tosafot,<sup>62</sup> a thousand years later, explain, the danger of a false accusation was always present in the Diaspora.

In the Talmudic period the mourner was required to cover his head, the scarf over the head also concealing the mouth, in the manner of the Arabs (vi, 1).<sup>63</sup> Although Rabbi Moses of Coucy (13th century) states from personal observation that the Jews of Spain were still following this practice, it had already been discontinued in France, so as not to cause derision among the Christians.<sup>64</sup>

The custom of baring the arm and shoulder of a mourner (ix, 2) during the funeral procession was,<sup>65</sup> according to Rabbi Yom-Tob ben Abraham, similarly discontinued because of fear of mockery.<sup>66</sup> Sm also states that although a mourner<sup>67</sup> is permitted to wear shoes while traveling on the highway, he must nevertheless remove them as soon as he reaches the city (v, 12). A barefoot mourner walking through a Gentile city was apparently another cause for jeers. No documentation is needed to show that what may have had its beginning in name-calling or flinging of stones often ended in tragedy. As a result, it was decreed that shoes need not be removed until the traveler had entered the street inhabited by Jews.<sup>68</sup>

61. *Loc. cit.*

62. To B. MḲ 21a, s.v. 'elu.

63. Targum to Lev. 13:45; B. *ibid.* 15a; MT, v, 19 (179).

64. SEMAG, 2, 181b. In non-Moslem countries this kind of dress would, of course, attract attention. By the 11th century, people had already stopped observing this law. For a discussion of how Ashkenazi Rabbis could set aside "a Talmudic law simply because of fear of being derided," see H. J. Zimmels, *Ashkenazim and Sephardim* (London, 1958), pp. 217-22.

65. See note to ix, 2.

66. RIṬBA, p. 110.

67. Many laws observed by the mourner also apply to one under ban and to a *mēšora'* (leper). All three are considered to be in a state of mourning, and although the *mēšora'* is not mentioned in Sm (v, 12), all three are treated as a unit in B. MḲ 14b ff.

68. The first author to mention this is Rabbi Eliezer ben Joel ha-Levi (1140-

## IV

Special funeral rites were observed when the occurrence of death was singularly painful. For example, even though a child is not subject to the laws of mourning, his clothes are nevertheless rent (ix, 6) as a sign of '*agmaṭ nefeš*', "great anguish," in order that all those who see this might weep.<sup>69</sup> Similarly, a deceased bride or groom was borne under a canopy, as if to say, "had they been alive the procession would have been that of a wedding":<sup>70</sup>

A canopy should be made for the 'bride' and the 'groom' from which both that which is fit and that which is unfit for food may be suspended (viii, 2).

In this context of mourning the words "bride" and "groom" are used as *termini technici* referring not only to a real bride or groom, but also to a person who died between the age of twenty and thirty (iii, 7),<sup>71</sup> or perhaps to any unmarried child who died (xi, 4).

G. Alon argues that this passage refers to the case of a living bride and groom on the occasion of their wedding.<sup>72</sup> The reason why the commentators take it to refer to a deceased bride and groom, he goes on to explain, is that they could not understand why else Sm would juxtapose the customs of wedding and burial, even though they admit that viii, 3-4, must refer to a wedding. As for the variant texts in which canopies for the dead are specifically mentioned,<sup>73</sup> Alon maintains that the readings were altered to fit the context. Sm then states, according to Alon, that no benefit may be derived from whatever is hung on a canopy at a wedding, because it comes under the heading of "adorning the *mišwah*," in the same manner as do the decorations of a *sukkah*, and Alon finally reaches the decision that viii, 2, was included in

1225), cited by Zimmels, p. 219, n. 5. On this subject, and on the suggestion that the mourner must walk barefooted to the cemetery even before the tomb is sealed, see BAḤI, to YD, Sec. 382.

69. Rashi to B. MḲ 14b; cf. viii, 7.

70. NY.

71. Cf. SmH, 236, line 82.

72. *Mehkarim*, 2, 102, n. 11.

73. SmH, 231, lines 5-7; 236, lines 73-75.

Sm because the text deals with customs and practices that may be followed without fear that they resemble heathen practice.

If indeed the medieval commentators were compelled to explain this Section as the case of a dead bride and groom, it is not because they were unaware that these rulings were held together by the point of contact—heathen practice. For as Alon himself indicates, that kind of arrangement of laws is all too common in Rabbinic literature.<sup>74</sup> There are, however, reasons which compel us to say that this must be the case of a deceased bride and groom:

(1) The variant texts (the suggested emendation notwithstanding) say so explicitly.<sup>75</sup>

(2) Sm repeatedly speaks of the unique funeral procession in the case of a groom (iii, 7), and of other practices to be followed in the case of the deceased bride and groom (viii, 7; xi, 4).<sup>76</sup>

(3) There is no reason why food suspended from a wedding canopy should be forbidden. Even if it were analogous to that of a sukkah, it would still not be forbidden, for it is only during the festival that food hung as decking in a sukkah is forbidden.<sup>77</sup>

(4) Furthermore, we should like to suggest that the Mishnah (BM 6:1) alludes to our text. Just as flutes may have been brought for either a living or a deceased bride, so the *piryafarin*,<sup>78</sup> a decorative litter, could have been employed in either case.

Let us now turn to another funeral custom that was followed in special cases. It is stated that when Samuel the Little died, "his

74. See p. 6.

75. Above, n. 73.

76. Cf. SmH, 236, lines 60–67.

77. TR, 4, 173, line 2. See below, note to viii, 2.

78. See Levy, 4, 114; Albeck, 4, 89, 426. Professor Lieberman points out to me that the idea that the deceased unmarried man or woman leaves the world without fulfilling all the normal functions of life is symbolically expressed on heathen tombs by the *loutrophoros*, the "bridal bath," its appearance on the tomb of the unmarried pagan conveying the same idea as the canopy of our "bride" and "groom" (Daremberg and Saglio, *Dictionnaire des Antiquités Grecques et Romaines* [Paris, 1904], 3, 1317; *Psyche*, p. 587). Another allusion to our text may perhaps be seen in the *huppatz nē'urim* of B. Soṭ 12b.

key and ledger were suspended from his coffin because he had no son" (viii, 7). Concerning the origin and symbolism of this practice, S. Yeivin suggests that it was borrowed by Babylonian Jews from their Parthian neighbors, and was introduced into Palestine at the beginning of the second century by Jews who brought their dead there for burial. The key was suspended in the coffin to symbolize access to the "gates of heaven" when the deceased left no sons "to insure his admission to eternal life by other means."<sup>79</sup> This thesis is refuted by Alon,<sup>80</sup> who in turn maintains that the key and ledger symbolize the fact that Samuel was taking all his property with him, for he had no son who could inherit it; hence the eulogy:

When kings die,  
they leave their crowns to their children.  
The rich die,  
They leave their wealth to their children.  
Samuel the Little  
took the world's treasures and went his way (*ibid.*).

The claim that "the world's treasures" mean property or wealth suggests a literalness that fails to convey the real meaning. The structure of the eulogy shows that what is meant is something intangible that cannot be left behind, death being mentioned in the first two instances, but not in the case of Samuel.<sup>81</sup> "The world's treasures" must, it would seem, refer to Torah,<sup>82</sup> and

79. "The Origin of an Ancient Jewish Burial Custom" (Hebrew), *BJPES*, 8, no. 1 (1940), 22-27.

80. *Ibid.*, no. 3 (1941), 107-112; reprinted in *Mehkarim*, 2, 99-105.

81. We know very little about him: he is mentioned in *Ab* 5:19; he formulated one of the paragraphs of the *Tēfillah* (B. Ber 28b), but no *Halakot* are transmitted in his name. We do know, however, that he was thought to be worthy of prophecy, and that at his death he was eulogized for his piety and for being a disciple of Hillel (see last four notes to viii, 7). Similarly, the incident in *Sm*, in which he hastens to cover up the shame of his fellow, bespeaks his great humility.

82. Or its concretization in religious acts. These are not possessions that can be bequeathed (*Ab* 2:12), and though Torah is taught and the *miṣwah* performed, they never diminish as a result. On the contrary, in the manner of Everyman, one never parts with them, and only they accompany the dead to the grave (*Ab* 6:7 and 9; cf. iii, 6).

need not allude to the fact that no *Halakot* are transmitted in this Tanna's name.

In an effort to explain this custom we should like to suggest that all the items in this Section—the inkwell (or thigh band) and reed pen, the key and ledger—have one thing in common. They not only belonged to the deceased, but were private effects closely associated with him in the eyes of others,<sup>83</sup> not unlike the horse and throne of a king or the bed of a *Naši'* (viii, 5, 6).<sup>84</sup> True, two of the latter were burned (the horse was hamstrung) as an act of respect, and the former were interred to heighten the sorrow, yet they are all private effects of the deceased from which no benefit may be enjoyed—in the case of the king, not even during his lifetime; in the case of a commoner, only after they were placed in the coffin (ix, 23).

The one central theme dominating viii, 1-7, is that all these seemingly heathen customs may be followed because they are all rooted in reason:

(1) The dead may be inspected, because they may still be alive.

(2) Canopies may be built and adorned with food, at the death of brides and grooms, to heighten the sorrow.

(3) Food may be scattered and wine spilled to add to the joy of a wedding.

(4) Animals may be hocked and pyres kindled at the death of kings as an act of respect.

(5) The hair of brides may be loosened, the faces of grooms revealed, and some private effects interred, to heighten the sorrow.

## V

A number of the customs mentioned in Sm were commonly observed in the ancient world, and the writings of Greece and

83. Note that it is always "his key," "his ledger," "his reed pen," and never "a key," "a ledger," etc. (viii, 7). Note, too, that the key of the tannaitic period was no insignificant object (Yadin, pp. 95-103).

84. "What should be burned for them? Their beds and private effects" (Tos Sanh 4:3).

Rome supply the literary parallels.<sup>85</sup> Thus from Rabbinic sources<sup>86</sup> we learn that the eyes of the dead were closed after death. According to the MS of *Midraš ha-hefes*,<sup>87</sup> this practice had its origin in the promise made to the patriarch Jacob, *And Joseph shall put his hand upon thine eyes* (Gen. 46:4). Sm emphasizes that this was not to be done until the moment of death:

Rabbi Meir used to compare a dying man to a flickering lamp: the moment one touches it he puts it out. So, too, whosoever closes the eyes of a dying man is accounted as though he has snuffed out his life. [i, 4]

A seventeenth-century work citing Varro's *De lingua latina*<sup>88</sup> describes a Roman custom in striking contrast to ours:

When the sick was at the point of death, his nearest relations drew nigh unto him . . . and then shut his eyes . . . Some say that the reason why they closed the eyes of those who were dying was that they might not see the affliction which they caused to the standers-by; and they opened them in the grave to the end that they might behold the beauty of heaven, which was the abode they wished them to all eternity.

It should be stressed, however, that the dominant practice, even among the pagans, was to close the eyes after death; thus Plato

85. For other pagan sources and parallels touched upon in the notes to the Introduction and text see above, nn. 11, 58, 78, and below, note 123; also notes to i, 8; i, 9 (4th note); ii, 1 (1st and 2d notes); ii, 6; ii, 7 (6th note); ii, 8 (3d note); ii, 9 (4th note); ii, 10; ii, 11; iii, 1; iii, 2 (6th and 7th notes); iii, 3 (4th note); iii, 7; iv, 7 (7th and 8th notes); iv, 14 (3d note); vi, 2; viii, 1 (3d note); viii, 4 (7th note); viii, 5-6; viii, 12 (4th note); ix, 2 (6th note); x, 3 (3d note); xi, 2 (4th note); xii, 1; xii, 5; xii, 8 (3d note); xii, 9; xiv, 2; xiv, 4 (3d note); xiv, 14 (2d note).

86. Shab 23:5; the Tosefta suggests steps to be taken in the event of death on the Sabbath, when it is forbidden to close the eyes of the deceased by hand (Tos Shab 17:19; cf. B. Shab 151b, and see TK, 3, 295).

87. Cited in TŠ, 8, 1675, nn. 37 and 40; cf. *Aruch*, 1, 124; Ibn Ezra to Gen. 46:4; *Nimmuke Y* to RIF (MK), Sec. 1237.

88. Pierre Muret, *Rites of Funeral, Ancient and Modern* (London, 1683), pp. 21-22.

tells us that after Socrates died, Crito drew near and "closed his eyes and mouth."<sup>89</sup>

Another subject discussed in Sm is the funeral oration (iii, 4-6). Although its importance is stressed in Rabbinic literature and solemn warning is given to those who neglect it when the deceased is deserving,<sup>90</sup> the Sages are also concerned lest it degenerate into a meaningless literary form. Allowing for the enhanced praise of the dead man, they nevertheless insist that a eulogy should "not be woven out of nothing" (iii, 5). For just as the dead are called to account for their sins, so funeral orators and those who respond after them are to be called to account for delivering eulogies that do not apply.<sup>91</sup> Similarly, the Greek legislators insisted that the virtues of the dead man should be recited only if this could be done with honesty—they, too, thought it "wicked to give false praise."<sup>92</sup>

In the Mishnah<sup>93</sup> and Sm (x, 8, 9; xi, 3), we read that after standing in the mourners' row and comforting the mourners, the public was given leave to go in accordance with what appears to be established custom. In a parallel passage to Sm, the Talmud informs us that Rabbi 'Āqiba dismissed the public after the funeral oration: "Return to your homes in peace."<sup>94</sup> From non-Rabbinic sources it becomes clear that formal dismissal was part of the protocol of the ancient world, the assemblage being formally sent to their homes at the close of the Greek funeral speech: "And do you, having spent your grief and done your part as law and custom require, disperse to your homes."<sup>95</sup>

89. Plato, *Phaedo*, trans. H. F. Fowler (Loeb Classical Library, Cambridge, 1943), p. 403. For other parallels, see Smith, p. 558; *Psyche*, p. 17, n. 25; TK, 3, 295. On the closing of the mouth, cf. i, 2, and notes.

90. B. Shab. 105b; MT, xii, 1 (195).

91. B. Ber 62a, and see marginal note citing *Aruch*, *ad loc.*

92. *Laws*, p. 451. In an effort to curb excesses (see below, pp. 22 ff.), "speeches in praise of the deceased were also forbidden except at public funerals, and then allowed to be made only by orators officially appointed for the purpose" (*ibid.*, p. 453).

93. MḲ 3:7.

94. B. MḲ 21b.

95. Demosthenes, *Funeral Speech*, trans. N. W. and N. J. DeWitt (Loeb Clas-



Many laws were designed to protect the cemetery and the integrity of the family tomb (Chap. 14). For example, a man is forbidden to sell a family tomb, for by so doing he disgraces his entire family, and to such a one the Sages apply the verse *Thou shalt not remove thy neighbor's landmark* (Deut. 19:14).<sup>96</sup> Among the Greeks also it was understood that the founder of a family grave wanted the members of his family "to be joined together in the same grave for at least three generations."<sup>97</sup>

If, on the other hand, the tomb is found within the city, it could be removed, our text stating: "All tombs (within a city) may be cleared out." To this Rabbi 'Āqiba<sup>98</sup> objects: "What about the tombs of Huldah (and David) in Jerusalem which no one has ever touched?" (xiv, 10).

A literary parallel to this dialogue is suggested by Cicero. The ancient law of the Twelve Tables is cited: "A dead man shall not be buried . . . inside the city." A question is then raised in the manner of Rabbi 'Āqiba's dissent: "What about the burial of famous men inside the city since the time of the Twelve Tables?" The right of burial within the city, the dialogue continues, was granted to some before the law was enacted, and this privilege was retained by their descendants. There were also others who because of their merit "were made exempt from the operation of the law."<sup>99</sup> In Sm, too, exceptions of this nature appear to have been allowed, although an attempt is made to explain the presence of the tombs—"A tunnel had been made for them that carried the uncleanness into the brook of Kidron."<sup>100</sup>

sical Library, Cambridge, 1949), 7, 37. Cf. the funeral oration of Pericles: "And now, when you have made due lament, depart" (Thucydides, *History of the Peloponnesian War*, trans. C. F. Smith (Loeb Classical Library, Cambridge, 1951), 2, 46, p. 341.

96. Sif Deut., Sec. 188.

97. *Psyche*, p. 523; see also Smith, p. 556; note to xiv, 4.

98. In the parallels the authorities are reversed (see 3d note to xiv, 10).

99. *Laws*, 2, 443.

100. Note that Maimonides (who decides the law according to the Sages of the parallels) describes the tombs in Jerusalem as exceptions made in the case of a king or a prophet (MT, VIII, 1, vii, 13-14 [YJS, 12, 32-33], and see KM, *ad loc.*).

Corpse defilement in the case of a priest is discussed in Chapter IV, the last four Sections treating of the *meṭ miṣwah*, the unattended corpse (iv, 16-19). Even a High Priest and a Nazirite, who are forbidden to defile themselves for close kin, are obligated to bury the abandoned corpse.<sup>101</sup> This may be compared to the case of the Roman pontiffs who were required to bury an abandoned corpse, even though they believed that the mere sight of a dead body rendered them defiled.<sup>102</sup>

Professor Lieberman<sup>103</sup> suggests that the term *meṭ miṣwah* was originally shortened from *meṭ milḥemet miṣwah*, i.e. the body of a man slain in a war in which he was obligated to fight; for example, the corpse of a man slain during a war against an invading enemy, when it was dangerous to transfer a corpse from place to place for burial. Moreover, at such a time, proper burial was often denied by the enemy as a matter of policy.<sup>104</sup> A person caught defying that policy by burying one slain by the Romans would forfeit not only his own life but often the lives of his family. The reprisals could even extend to the city in which he resided.

The "stipulation of Joshua"<sup>105</sup> now takes on an added meaning. By the decree that a *meṭ miṣwah* acquires his immediate area for burial, the danger to the person engaged in the burial

101. See note to iv, 17.

102. See 7th note to iv, 7. At the funeral of a person of the "highest distinction," however, Plato would have the priests follow the procession "as to a tomb that is sanctified—yea, though they be debarred from approaching all other tombs" (*Laws*, 2, 495). In extraordinary cases, we find the Sages also defiling their priesthood as an act of deference (see last note to iv, 6). Cf. iv, 9, and see notes thereto.

103. TK, 3, 325, n. 31.

104. The corpses of Betar remained exposed until the successor of Hadrian permitted them to be buried (B. Ber 48b; Lam. R. 2:4, p. 41; WJV, 520, n. 48). According to Josephus, rival factions of Jews who fought among themselves during the war against Rome also forbade the burial of the slain: "None dare openly weep for or bury a deceased relative . . . Only by night would they take a little dust in both hands and strew it on the bodies, though some venturous persons did this by day" (JW, 4, v, 3, 98-99; cf. vi, 3, 111-12; and 5, i, 5, 211). Among the Romans, it was also considered a pious act to strew dirt on an abandoned corpse (Cumont, p. 64).

105. See note to iv, 18.

is reduced. Furthermore, the sharp response of the Sages to Rabbi 'Aqiba, who carried an abandoned corpse a long distance for burial, is now clarified. Their rebuke—"[it] is accounted to you as if you had shed blood" (iv, 19)—should be taken literally, meaning his own blood and that of others against whom reprisals might be taken.<sup>106</sup> By not burying the corpse on the spot, he unnecessarily exposed himself and others to danger. As time went on, however, the term *meṭ mišwah* took on the meaning of any abandoned corpse.

In the ancient world funeral excess presented a problem to pagan and Jew alike. We read in Sm (xiv, 13) that among the many cups of wine that one should drink at a mourner's house, there was one which people drank in honor of Rabban Gamaliel. At one time, the Talmud explains, funeral expenses became so burdensome that families abandoned their dead and fled. As a consequence, Rabban Gamaliel made light of his own honor and instructed that at his death he should be carried out in a linen garment, and his example was followed by others.<sup>107</sup> What the Sage set out to do by example, the Greeks and Romans sought to effect through legislation. While Plato places the limit on what may be spent at a funeral "at from one mina to five, in accordance with the man's wealth,"<sup>108</sup> Cicero, who believed that "differences in wealth should cease with death," praises the provisions

106. The *Tosafoṭ* give two reasons why the Sages rebuked him: he ignored the "stipulation of Joshua," and neglected to attend the Sages—*šimmuṣ ḥākamim* being considered more important than the study of Torah (B. Ket 17a, s.v. *mēḥ-attelin*; cf. Ber 7b; Mak 10a; and see note to ix, 1). It was felt that a student could best learn the practical application of law by observing his master in his daily routine, at prayer, at meals, even in the privy (B. Ber 62a), and especially in the academy, answering questions and deciding cases, the desired result being a disciple trained to study and to teach and qualified to render proper decisions. The multiplicity of divisive Tannaitic opinions was blamed on the disciples of Shammai and Hillel, who inadequately attended their masters (Tos Ḥaḡ 2:9). On how the master-pupil relationship among the Greeks and Romans "often degenerated into something murkier," see H. I. Marrow, *A History of Education in Antiquity*, trans. G. Lamb (New York, 1956), p. 32 f. (I am grateful to Professor Goldin for directing my attention to this work).

107. B. MḲ 27b. For a post-mourning custom that reduced many to poverty, see JW, 2, i, 1, 323.

108. *Laws*, 2, 455, and n. 3.

of the Twelve Tables that set the limit at "three veils, a purple tunic, and ten flute players."<sup>109</sup> Extravagance, we are told, continued nevertheless, until it was reduced by a law which decreed that corpses must be buried before daybreak.<sup>110</sup>

The excesses of the Jews, however, were generally not those of the Greeks and Romans, and as a result, the measures taken by the Rabbis in dealing with the problem never had to be as severe as those employed by pagan lawgivers. In ordering a pre-dawn burial and in prohibiting large crowds from gathering at a funeral, the Greeks sought to tone down violent displays of mourning—it was assumed that "a crowd increases grief."<sup>111</sup> The early lawgiver Pittacus went so far as to forbid anyone not a member of the family to attend the funeral.<sup>112</sup> The Sages would have agreed that a crowd intensifies the sorrow, but rather than seek to reduce it, they insist that even the study of Torah must be interrupted if the funeral procession is not adequately attended. As to what constitutes adequate attendance, they give a series of replies, ranging from six thousand people to six hundred thousand for a person versed in Scripture and Mishnah, with no upper limit, however hyperbolic, set for one who taught others.<sup>113</sup>

The Talmud also states that weeping for the dead is mandatory. Where one neglects to weep for a man who was virtuous, the warning is unmistakable: that person will, as a punishment, find himself in mourning for his own children.<sup>114</sup> On the other hand, a man's sins are forgiven if he sheds tears for the dead.<sup>115</sup>

109. *Ibid.*, p. 445.

110. *Ibid.*, p. 453, and n. 2. The "Edict on Funerals" of Julian does not, however, appear to be directed against funeral excess, although it, too, calls for night burial: "He will incur the severest punishment if, before the tenth hour of the day, he shall venture to perform the offices for the corpse of any dead person and to carry it through the city. But let these things be done at sunset and before sunrise" (Julian, 3, 197; and see 190, n. 2).

111. *Laws*, 2, 453.

112. *Loc. cit.*

113. B. Ket 17a and b. It is also stated that all work in the town must cease if arrangements for the needs of the dead have not yet been made (B. MḲ 27b).

114. B. Shab. 105b; MḲ 25a.

115. *Loc. cit.*

In contrast, laws in a number of Greek cities decreed that the funeral procession should "be conducted in silence."<sup>116</sup> Plato, who required that all the people walking in the procession should be outside the city limits before daybreak, would have liked "loud mourning" restricted to the house.<sup>117</sup>

Just as the Sages would have felt that the rites current among the heathen populace demeaned the high value set upon the living, they would also have viewed the steps taken to reduce the crowd and to stifle expressions of anguish as not in keeping with the honor due the dead. If pagan legislation was able to reduce the "barbaric" in some places (specifically in the cities), it should be pointed out that on the whole there was no inhibiting of "exaggerated expressions of grief."<sup>118</sup> Many of these excesses were rooted in idolatry, and were apparently no problem for the Rabbis, having already been forbidden by Scripture. New legislation was, therefore, not needed to keep them in check. Moreover, just as the taste for idolatry had long since waned among the populace, so it may be assumed that practices such as human sacrifice and the tearing of one's cheeks<sup>119</sup> at a burial never made any inroads into Jewish funeral customs.

<sup>116</sup>. *Psyche*, p. 165, n. 56.

<sup>117</sup>. *Laws*, 2, 535.

<sup>118</sup>. Hastings, 4, 474b.

<sup>119</sup>. B. AZ 17b top, and see Rashi, *ad. loc.*; HJP, p. 121. As to how the excessive grief displayed by Rabbi 'Aqiba (ix, 2, and note) is in keeping with this and with the injunction of Lev. 19:28, see Tosafot to B. Sanh 68a bottom (cf. Tosafot to B. Yeb 13b bottom). Lest the reason of the Tosafot—that the act was an expression of grief over the Torah that was lost (as the lament indicates), and as such was not prohibited, not being an act of mourning for the individual—should be dismissed as apologetic, it should be pointed out that Rabbi 'Aqiba did not behave this way at the death of his son (viii, 13) or of his father (ix, 3). On the contrary, extraordinary restraint is demonstrated in both cases. Moreover, if it is maintained that the Rabbi did this unwittingly in his anguish, the Talmud in recording the incident would have noted that he had violated the Biblical injunction—the Sages would not have remained quiet on a question of law. Yet we see that although the act was similar to the common pagan practice of tearing one's cheeks or beating one's breast and head, it did not disturb the Sages. It must therefore be assumed that since it was done for the sake of Torah, it was considered to have a basis in reason, in contrast to the pagan practice which was based on the belief that "the soul of the dead was still invisibly present, and would be pleased at the most violent expressions of grief for its loss" (*Psyche*, 164, nn. 43 and 48).

This does not mean that the Sages never found it necessary to restrain unbridled expressions of grief, i.e. to legislate in areas involving emotion.<sup>120</sup> It is no simple matter, however, to tell a person that he must weep greatly but not to excess, and yet this is exactly what they set out to do. They demand of the mourner a full expression of sorrow, but within the limits of the law. Without dwelling on what is explicit in Scripture—"any school-boy can go and read that for himself"<sup>121</sup>—they are chiefly concerned with filling in what is left unsaid. By first defining wherever possible the exact demands of the law, they in effect also acted to curb excess. If, for example, the mourner is required to rend his garment to demonstrate his anguish, the law asks: How long should the rent be? What garments must be rent? When may a garment be basted? When permanently mended? Should a woman rend in the same way as a man? What of a minor? When is a rent considered to be a useless tear (ix, 6-8)?

We learn from our text that effects were sometimes cast on the coffin. Although this was a common pagan custom, it was not forbidden. It could be looked upon as an act of deference, and as such it was reasonable;<sup>122</sup> the Sages were apparently not disturbed by the possibility that the Romans followed the same practice out of superstition.<sup>123</sup> Instead, they state: "Whosoever retrieves effects from the dead, robs the dead" (ix, 23). Having already explained why robbing the dead was thought to be worse than "robbing the living" (ix, 21-22), they go on to set the limits of the law, by pointing out that only if one retrieves that which has actually "come in contact with the coffin" (ix, 23), does he rob the dead.

Within these limits, however, there is still leeway for excess. Rabbi Meir therefore states that "a man must be instructed not to be wasteful, for has it not been said that whosoever heaps

120. For a series of Rabbinic ordinances designed to reduce funeral and mourning expenses so that the poor might not be put to shame, see B. M $\ddot{K}$  27a and b.

121. Literally, "Go, read it in the schoolhouse," the common Rabbinic cliché for that which is explicit in Scripture; e.g. B. Sanh 33b.

122. Cf. above, p. 17.

123. On how the Rabbis often invested a heathen practice with new meaning when they were unable to uproot it, see WJV, 510-13. Cf. above, n. 58.

effects upon the dead transgresses the injunction against wanton destruction" (*ibid.*). The coupling of this practice with a Biblical injunction must have had an inhibiting effect on many people. The view of Rabbi Eleazar bar Zadok which follows, that instead of honoring the dead by such an act one really "disgraces him," would tend to discourage even the less pious. Finally, it is difficult to see how one might not have had second thoughts about heaping effects upon the dead after having been told that the Naši' Rabban Simeon ben Gamaliel had said that "It's more worms that he's inviting (*ibid.*)."<sup>124</sup> The satire of Lucian may have had a similar effect in dampening heathen excess: "Have not many sacrificed horses, concubines, sometimes even cup-bearers, over their dead, and burned or buried with them clothing and other articles of personal adornment, as if they would use them there and get some good of them down below?"<sup>124</sup>

The mourner was further warned against going to extremes with what all the ancients would have considered practical advice: Misery begets misery. After first stating that for a day or two weeping should be "bitter" and wailing "passionate," the wisdom writer cautions the mourner that he must be consoled: "For out of sorrow proceedeth bane . . . Worse than death is abiding sorrow."<sup>125</sup> In the third century we find the same thought echoed with frightening clarity in the academy of Sura: "Who-soever laments his dead more than he should, for still another dead will he mourn."<sup>126</sup>

Just as we have seen that a person may bring bereavement down upon himself for not weeping at all, so we find that one may incur the same punishment for weeping to excess. This warning is brought home with a painful story: A certain woman who lived in the vicinity of Raḥ Huna had seven sons. One of them died and she wept for him to excess. Raḥ Huna sent word to her to curb her mourning, but she paid him no heed. Once again he

124. Lucian, trans. A. M. Harmon (Loeb Classical Library, Cambridge, 1943), 4, 121. Cf., however, the statement of Rabbi Nathan (ix. 23), and see WJV, 510, and nn. 25-30.

125. Ecclus. 38:16-23.

126. Reported in the name of Raḥ (B. MḲ 27b). On the reading *ham-miḡ-kafeh*, see marginal note, *ad loc.*; and see DS, 6, *ad loc.*, 99, n. 100.

sent to warn her that if she desists, all will be well; if not, she had better prepare another set of shrouds. But she wept and wept, and, so the story continues, they all died, even the mother herself. The following verse is then cited: *Weep ye not for the dead, neither bemoan him* (Jer. 22:10). And this is how the Sages understood it: "Weep not for the dead more than you should, neither bemoan him to excess." As to what are the reasonable limits implied by this Midrash, the text continues: "Three days for weeping; seven for eulogizing; thirty for calendering and cutting hair. Beyond this, declares the Holy One, blessed be He, 'You are not more merciful than I.'" <sup>127</sup>

Neither the story nor its lesson could be easily forgotten as the tale, enhanced in its retelling, was repeated in synagogues and market places. The 'Aggaḏah thus acted with the Halakāh, and in cases such as this perhaps with greater effect, in restraining funeral excesses among the people.

Finally, the concept of *ṣidduḳ had-din*, "the justification of the divine judgment," may also be viewed, if only in its ancillary effect, as an antidote to immoderate mourning. Nearly all the 'Aggaḏah of Sm is related to it.<sup>128</sup> An excess of mourning could indicate a lack of faith. As a result, at moments of great personal tragedy, the Rabbis rise to declare that the divine decree is just. More often than not they cite a Biblical verse to prove it. When a man might most want to question the integrity of God's justice, to cry out, "Why? Why did this happen to me?"—that is precisely the moment for *ṣidduḳ had-din*: *The Lord is righteous in all his ways, and gracious in all his works* (Ps. 145:17).

## VI

The MSS and printed editions that were employed in the preparation of this work are:

A	Oxford, Opp. 726 (Neubauer 370:6)
B	Oxford, Mich. 175 (Neubauer 2257:8)
G	Jewish Theological Seminary, E. N. Adler 2237
D	Oxford, Opp. Add. 4° 128 (Neubauer 2339:2)

127. B. *ibid.*

128. See viii, 12, and 5th note thereto.



<i>E</i>	Vienna (Schwarz 31:18)
<i>L</i>	Leningrad, Guenzburg (Sachs 515:7)
<i>S</i>	Strasbourg, S. Landauer 35
<i>AB</i>	British Museum, Or. 5009 (Margoliouth 472)
<i>AJ</i>	Jews' College, Montefiore 64 (H. No. 346)
<i>M</i> <sup>129</sup>	Cambridge, T-S OR 1080, Box 2, No. 54
<i>Editio princeps</i>	Venice edition of the Talmud, 1523
<i>H</i> <sup>130</sup>	Venice edition of the Talmud, 1547

I want to acknowledge the assistance that I have received from the staff of the library of the Jewish Theological Seminary<sup>131</sup> in obtaining microfilms of these manuscripts.

It should be indicated that none of the extant MSS<sup>132</sup> of Sm can be described as an '*Ah*' (archetype) text.<sup>133</sup> Nevertheless, *A*, which serves as the basis for our translation, generally preserves the most plausible sequence of Halakot and the least "doctored"

129. MSS *A*, *B*, *G*, *D* and edition *H* were used in the preparation of the Higger edition, *A* serving as the basic text (SmH, pp. 85-6). *L* and *S* were known to exist at that time but were unavailable (*ibid.*, p. 87). I should like to acknowledge my indebtedness to Professor A. I. Katsh for permitting me to photostat palimpsest *L*; to the Bibliothèque Nationale, Strasbourg, for sending me a microfilm of *S*; to the British Museum, for permitting me to use *AB*; to Jews' College, for sending me a microfilm of *AJ*; to Professor M. Margalioth, for directing my attention to the Geniza fragment, *M*, and to the Cambridge University Library for permitting me to use it. On *E*, see below, n. 132.

130. *H* has been erroneously listed as the *editio princeps* in SmH (p. 85 and p. 88).

131. Dr. Nahum Sarna, former librarian; Dr. Menachem Schmelzer, librarian; Miss Anna Kleban; and Miss Judy Ginzburg.

132. The catalogue of the Academy of the Hebrew Language, *Ham-millon ha-histori la-la'fon ha-'ibrit* (Jerusalem, 1963), I, 65, also lists: Turin, Peyron 146 (A. V. 26); Vienna, Schwarz 31:18. These two manuscripts appear to be no longer extant. I have been informed by the director of the Biblioteca Nazionale di Torino that the Hebrew MSS described by Peyron were destroyed in the Turin Library fire of 1904; and the director of MSS at the Oesterreichische Nationalbibliothek in Vienna wrote me that the library of the Israelitische Kultusgemeinde in which MS 31 was located was destroyed by the Nazis (Note that Chaps. 1-4 are recorded in SmK).

133. For a discussion of the characteristics of an '*Ah*' text, see E. Kutscher, "*La'fon hazal*," *Yalon Jubilee Volume* (Jerusalem, 1963), pp. 251 ff. See below, eleventh note to viii, 13, and note to xi, 15.

readings. Professor Kutscher, who has pointed the text on the basis of the vocalization found in MS Kaufmann of the Mishnah, informs me that this manuscript also exhibits some linguistic traits that appear to be original, even though they do not occur or are rare in any known 'Ab text.

The preparation of this work was made immeasurably easier by the eighteenth-century commentary, *Naḥālaṯ Ya'āqob*, and by the critical edition of Michael Higger. Even where I part from them in the justification of a reading or explication of the text, I do so with profound respect, always aware of my indebtedness to them. It is to be hoped that the reader will make use of both of these works while reading the text and notes.

I am grateful to Professor Louis Finkelstein for his interest and encouragement throughout this work. I should also like to express my thanks to Professor Harry A. Wolfson, who read the preliminary draft of a part of this work; to Professor Abraham Goldberg, for reading the Introduction; to Grace Goldin, for reading the translation; to Professor Zalman Dimitrovsky, with whom I had the opportunity of testing a number of interpretations; to Mr. and Mrs. Alfred Aaronson and Mr. and Mrs. Jack Zlotnick, who read parts of the text. The lucid comments of these good people were of great help to me. Professor Judah Goldin not only suggested that I undertake this work but also demonstrated to me that it is possible at times to reproduce the rhythm and nuances of a classical Hebrew text in the English translation. I am grateful to him for reading my translation and for indicating, again and again, that even an involved legal concept may be expressed with grace and lightness of touch. I also wish to express my gratitude to Professor Eduard Y. Kutscher, who has enhanced the usefulness of this work by his vocalization, and to the Administrative Committee of the Yale Judaica Series for including, for the first time, the Hebrew text in one of their volumes.<sup>134</sup> Dr. Leon Nemoy read the entire text and notes with

134. In line with the requirements of the Series, I have tried to make the notes of this book communicable to the general reader and at the same time of value to the serious scholar. In my preparation for this work I have collected

an unhurried eye for the imperfection, and having found it, either directed my attention to it or suggested something better.

My gratitude to Professor Saul Lieberman I can acknowledge only inadequately. From him I learned that the greatest textual discovery is the *pěšať*—the simple meaning; that every dictum of the Rabbis and the smallest detail of a text is inextricably bound with the whole; and that only by acquiring some understanding of the whole can one hope to hear those Rabbinic echoes and to make those textual associations that will shed light on a difficult reading. The references to that grand master of Rabbinic literature throughout this book, many though they are, reflect but a small measure of my indebtedness to him. For it was he who urged the study of Talmud upon me, and in a sense all that I have learned and whatever there is of value in this work I owe to him. Needless to say, whatever errors may have crept into this work, I must claim as my own.

In closing, I wish to thank my wife, Alice, who helped me in so many ways. She typed the manuscript for publication with great care, making many excellent suggestions that were incorporated in the text and notes. If our children, Cindy, Karen, Tamar, and Dena had not been such good girls, their mother would not have been able to give me all the time I needed in the preparation of this work. May Heaven bless them. D.Z.

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all the material for a Hebrew edition with full critical apparatus which I hope to publish at a future date. At that time I hope to have the opportunity to expand the notes and to discuss the MSS used in this work.

## CHAPTER I

1. A dying man is considered the same as a living man in every respect. He may obligate to levirate marriage, and he may release from levirate marriage. He may confer the right to eat of the heave offering, and he may disqualify from eating of the heave offering. He may inherit property, and he may bequeath property. If a limb is severed from his body, it is regarded as a limb severed from a living person, and if flesh, as flesh from a living person. The blood of his sin offering or guilt offering may be sprinkled in his behalf. All this applies until the moment he dies.

2. His jaws may not be bound, nor his orifices stopped, and no metal vessel or any other cooling object may be placed upon his belly until the moment he dies, as it is written, *Before the silver cord is snapped asunder, and the golden bowl shattered, and the pitcher is broken at the fountain* (Eccl. 12:6).

3. He may not be stirred, nor may he be washed, and he should not be laid upon sand or salt, until the moment he dies.

4. His eyes may not be closed. Whosoever touches him or stirs him sheds blood.

Rabbi Meir used to compare a dying man to a flickering lamp: the moment one touches it he puts it out. So, too, whosoever closes the eyes of a dying man is accounted as though he has snuffed out his life.

5. There may be no rending of clothes, nor baring of shoulders, nor eulogizing, and no coffin may be brought into the house, until the moment he dies.

6. There may be no heralding for him and no acclaiming of his works. Rabbi Judah said: "If the man was a scholar, his works may be acclaimed."

7. Neighbors should not exchange greetings in town. Where does

this rule apply? In a small village; but in a large city it is permitted.

8. For a dismembered fetus, a footling, a miscarried fetus, a living eight-months baby, or a stillborn nine-months baby, no rites whatsoever should be observed.

9. For heathens or slaves, no rites whatsoever should be observed, but one may join in the lament, "Alas, O lion! Alas, O mighty one!"

Rabbi Judah says: "Alas, O faithful witness, who ate the fruit of his own labor!"

"If so," the Sages objected, "what have you left to be said for men who are virtuous?"

"If he was virtuous," said he to them, "why not lament him?"

10. One does not receive condolences for slaves. It happened that when Rabbi Eliezer's maidservant died, his disciples came to comfort him. He withdrew into the courtyard, but they followed him. He then went into the house. Again they followed him.

"I thought you would be scalded by tepid water," said he to them, "but even boiling water does not seem to burn you. Have I not taught you that one does not receive condolences for slaves, because slaves are regarded the same as cattle?"

When Rabban Gamaliel's slave, Ṭēḇi, died, the Sage accepted condolences for him. Whereupon his disciples said to him: "Have you not taught us that one does not receive condolences for slaves?"

He replied: "My servant Ṭēḇi was not like other servants. He was virtuous."

Rabban Gamaliel had also permitted him to put on tēfillin, at which his disciples said to him: "Master, did you not teach us that slaves are exempt from wearing tēfillin?"

He replied: "My servant Ṭēḇi is not like other servants. He is virtuous."

11. One should not refer to male and female slaves as "Father So-and-so" or "Mother So-and-so." Nevertheless, in Rabban Gam-

aliel's house, Ṭēbi, his servant, used to be called "Father," and Ṭēbiṭa used to be called "Mother."

12. The title "our Father" should not be applied to any fathers save the three Patriarchs, nor the title "our Mother" to any mothers save the four Matriarchs.

## CHAPTER II

1. For a suicide, no rites whatsoever should be observed. Rabbi Ishmael said: "He may be lamented: 'Alas, misguided fool! Alas, misguided fool!'"

Whereupon Rabbi 'Āqiba said to him: "Leave him to his oblivion: Neither bless him, nor curse him!"

There may be no rending of clothes, no baring of shoulders, and no eulogizing for him. But people should line up for him and the mourners' blessing should be recited over him, out of respect for the living. The general rule is: The public should participate in whatsoever is done out of respect for the living; it should not participate in whatsoever is done out of respect for the dead.

2. Who is to be accounted a suicide?

Not one who climbs to the top of a tree or to the top of a roof and falls to his death. Rather it is one who says "Behold, I am going to climb to the top of the tree," or "to the top of the roof, and then throw myself down to my death," and thereupon others see him climb to the top of the tree or to the top of the roof and fall to his death. Such a one is presumed to be a suicide, and for such a person no rites whatsoever should be observed.

3. If a person is found strangled hanging from a tree, or slain impaled upon a sword, he is presumed to have taken his own life unwittingly; to such a person no rites whatsoever may be denied.

4. It happened that the son of Gorgos ran away from school. His father threatened to box his ears. In terror of his father, the boy

went off and cast himself into a cistern. The incident was brought before Rabbi Ṭarfōn, who ruled: "No rites whatsoever are to be denied him."

5. Another incident is that of a child from Bēne Bēraḵ who broke a flask. His father threatened to box his ears. In terror of his father, the child went off and cast himself into a cistern. The matter was brought before Rabbi 'Āḳiḇa, who ruled: "No rites whatsoever are to be denied him."

As a result of this, the Sages said: "A man should not threaten his child. He should spank him at once, or else hold his peace and say nothing."

Rabbi Simeon ben Eleazar said: "With respect to the sexual urge, a child, and a woman, hold them off with the left hand and draw them near with the right."

Rabbi Nathan states: "To them, laughing and weeping are as one."

6. For those executed by the court, no rites whatsoever should be observed. Their brothers and relatives should come and greet the witnesses and the judges, as if to say, "We bear you no ill will, for you have rendered a true judgment." They may not mourn (*miṭ'abbēlim*), but may grieve (*'onēnim*), the latter signifying grieving in silence.

The mourners' meal should not be prepared for them, as it is said, *Ye shall not eat over him whose blood has been shed* (Lev. 19:26). The court that imposed the death penalty would taste no food all that day.

7. The condemned man is not permitted to speak with his brothers and relatives in order to gain time. He should be given wine and frankincense to drink to dull his suffering, and he should be urged to make confession, for whosoever confesses has a share in the world to come. And indeed we find in the case of Achan that Joshua said to him, "*My son, give, I pray thee, glory to the Lord, the God of Israel, and make confession unto Him, and tell me now what thou hast done; hide nothing from me.*" And Achan

answered Joshua, and said, "*Of a truth I have sinned against the Lord, the God of Israel, and thus and thus have I done*" (Josh. 7:19, 20).

Why does this verse say, *and thus and thus*? To indicate that Achan committed sacrilege twice over. And why *I have sinned*? I, and not my wife, have sinned. It is I, and not my children, who have sinned. This shows that he confessed in good faith.

And how is it known that his confession made atonement for him? Because it is written further on, *And Joshua said, "Why hast thou troubled us? The Lord shall trouble thee this day"* (ibid. 7:25). This day thou shalt be troubled; in the world to come thou shalt not be troubled. And it is written elsewhere, *And the sons of Zerah: Zimri, and Ethan, and Heman, and Calcol, and Dara: five of them in all* (1 Chr. 2:6). Do we not know that there were five of them in all? But this shows that Achan ben Zerah was included in the world to come.

8. At the death of one who had severed all ties with his people no rites whatsoever should be observed. His brothers and relatives should dress in white and cloak themselves in white. They should eat, drink, and be merry, for an enemy of God has perished. As it is written, *Do not I hate them, O Lord, that hate Thee? And do not I strive with those that rise up against Thee? I hate them with utmost hatred; I count them mine enemies* (Ps. 139:21-22).

9. No rites whatsoever should be denied those who were executed by the state.

At what point should the family begin counting the days of mourning for them?

From the time they despair of asking for the body, even though they may still hope to steal it.

Whosoever steals is as if he shed blood—and not only shed blood, but also worshiped idols, committed acts of unchastity, and profaned the Sabbath. Similarly, whosoever steals past customs is as if he shed blood—and not only shed blood, but also worshiped idols, committed acts of unchastity, and profaned the Sabbath. Likewise, whosoever steals past the *herem* is as if he



shed blood—and not only shed blood, but also worshiped idols, committed acts of unchastity, and profaned the Sabbath.

10. No rites whatsoever should be denied to a person who falls into the sea, or is swept away by a river, or is devoured by a wild beast.

At what point should the family begin counting the days of mourning?

From the time they give up searching for the body.

If it is found limb by limb, the counting may not begin until the head or the greater part of the corpse is found.

Rabbi Judah said: "The spinal column or the skull constitutes the greater part of the corpse."

11. A woman whose husband has been crucified in the city in which she resides, or a man whose wife has been crucified in the same city, or a child whose father or mother has been crucified in the same city, should not remain in that city unless it is as large as Antioch. Even so, one should not continue to reside on the same side, but should move to the other side.

How long is this forbidden?

Until the flesh has wasted away, the features no longer being discernible from the skeleton.

12. The School of Shammai said: "Whosoever has divorced his wife may not dwell in the same alley or courtyard with her. If the alley belongs to both of them, he should transfer his entrance to the other side. If the courtyard belongs to both, one should vacate it for the other, and it is the woman who should make way for the man."

When does this apply?

If she has remarried, or even if she did not remarry, if her former husband had been a priest.

Under what circumstances?

If she was divorced after marriage; but if after betrothal—and similarly in the case of a brother's widow released with the rite of *ḥālīṣah*—he need not move, for he is not likely to take liberties with her.

## CHAPTER III

1. A one-day-old infant who died is, to his father, mother, and all his relatives, like a full-fledged bridegroom; and not only an infant who had lived for a whole day, but even one whose head or the greater part of whose body had emerged alive—the Sages having spoken merely in terms of what generally happens.

2. He should be carried to the cemetery in a kerchief and may be interred by a woman and two men.

Abba Saul says: "By a man and two women."

They said to him: "A man may not be alone with two women."

People should neither line up nor recite the mourners' blessing for an infant who died before he was thirty days old.

An infant of thirty days to twelve months is carried out by a procession of men and women in a casket borne in outstretched arms. An infant of twelve months to three years is carried out by a procession of men and women in a casket borne on the shoulder.

Rabbi Judah says: "If the father wishes to honor a child less than three years old, a coffin may be brought out to the cemetery for him."

3. A three-year-old should be carried out on a bier.

Rabbi 'Āqīḇa says: "If he is three and his limbs are like those of a two-year-old, he is borne on a bier. If he is two and his limbs are like those of a three-year-old, he is borne on a bier."

Simeon the brother of Azariah says: "Whoever is carried out on a bier should be publicly acclaimed."

Rabbi Meir said in the name of Rabbi Eleazar ben Azariah: "Whenever a child is known to the community, the public takes part in his rites; whenever a child is not known to the community, the public does not take part in his rites."

Rabbi said in the name of Rabbi Eleazar ben Azariah: "Even if he was known only to his neighbors."

4. As for a funeral oration: In the case of the poor, it should be delivered for a three-year-old; in the case of the rich, for a four-year-old.

Rabbi 'Āqīḇa says: "In the case of the poor, for a six-year-old; in the case of the rich, for a seven-year-old."

Children of the rich are like children of Sages; children of Sages are like children of royalty—and their funeral rites must be attended.

5. A child who knew how to manage his affairs should be eulogized in his own right. If he had no good works to his credit, the works of his fathers are recited in his praise; if his fathers have no good works to their credit, the works of his relatives are recited in his praise.

A bride should be eulogized either by praise of her father's house, or by praise of her father-in-law's house, for through marriage she may rise, but not fall, in status. A funeral oration may not be woven out of nothing, but a core of truth may be embellished.

6. Rabbi Judah says: "In Jerusalem they used to say: 'Do good, so that your praise may walk ahead of your bier!' In Judah they used to say: 'Do good, so that your praise may walk behind your bier!' In Jerusalem, however, only the actual works of the dead were recited before his bier. But in Judah he was eulogized by praise that applied to him, and by praise that did not apply to him. As for those who walked behind the bier, they responded only with the praise that applied to him."

7. From the age of twenty to thirty, the deceased is carried out as a bridegroom.

From the age of thirty to forty, he is carried out as a brother.

From the age of forty to fifty, he is carried out as a father.

Rabbi Simeon says: "From the age of thirty to forty: If he has children, or if his coeval has children, he is carried out as a father; if not, he is carried out as a brother. From the age of forty to fifty: If he has grandchildren, or if his coeval has grandchildren, he is carried out as a father; if not, he is carried out as a brother."

8. Whosoever dies before he is fifty has been cut down before his time.

At the age of fifty-two: this is the death of Samuel the Ramathite.

At the age of sixty: this is the death of which Scripture speaks, for it is said: *Thou shalt come to thy grave in ripe age, like a shock of corn cometh in its season* (Job 5:26).

At the age of seventy: this is the death of divine love, for it is said: *The days of our years are threescore and ten* (Ps. 90:10).

At the age of eighty: this is the death of "strength," for it is said: *Or even by reason of strength fourscore years* (Ps. 90:10).

Similarly, Barzilai said to David: *I am this day fourscore years old, can I discern between good and bad?* (2 Sam. 19:36).

After this, life is anguish.

9. If one dies on the first day of his illness, it is a death of wrath.

On the second day: a harried death.

On the third day: death by plague.

On the fourth or fifth day: he is thrust to death.

On the sixth day: the death of which Scripture speaks.

On the seventh day: a death of divine love.

After this, he dies in torment.

10. Rabbi Hanina ben Antigonus said: "An old man who had eaten abdominal fat or profaned the Sabbath is cut off before his time. What tells us that he was cut off before his time, if not this:

"If one dies on the third day of his illness, he is cut down before his time.

"On the fourth or fifth day: he is thrust to death.

"On the sixth day: the death of which Scripture speaks.

"On the seventh day: a death of divine love.

"After this, he dies in torment."

11. Rabbi Judah said: "The early *Hāsīdīm* used to be afflicted with intestinal illness for about ten to twenty days before their death, so that they might be wholly purged and arrive pure in the hereafter, for it is said: *The refining pot is for silver, and furnace for gold; but the Lord trieth the hearts*" (Prov. 17:3).

## CHAPTER IV

1. With respect to all those mentioned in the Torah for whom a priest must defile himself—his father and mother, his son and daughter, his brother and sister, and his wife—Rabbi 'Āqiba says: "For kin once removed from them, he should mourn and grieve, but not defile himself."

Rabbi Simeon says: "Only in the case of a grandparent or grandchild."

The Sages say: "The priest should join in mourning with those for whom he would have to mourn; he need not join in mourning with those for whom he would not have to mourn."

2. If there is doubt whether or not this is his brother, or if there is a doubt whether or not this is his son, the priest should mourn and grieve, but not defile himself.

3. For a woman betrothed to him, the priest should neither mourn, nor grieve, nor defile himself. For a woman divorced from him, even though she has borne him children, he should neither mourn, nor grieve, nor defile himself.

4. For a widow married to a High Priest, and for a divorcée or *ḥāluṣah* married to a common priest, the priest in each case should mourn and grieve, but not defile himself.

What is the interval of *'āninah*?

"From the day of death until the day of burial." So Rabbi Meir. The Sages say: "'Āninah does not bind you for more than a single day."

5. In the case of his betrothed sister, Rabbi Meir says: "The priest must defile himself."

Rabbi Judah and Rabbi Simeon say: "He should not defile himself."

In the case of a sister whose maidenhead had been accidentally injured, Rabbi Meir says: "He must defile himself."

Rabbi Judah and Rabbi Simeon say: "He should not defile himself."

All agree that he should not defile himself for a sister who had been raped or seduced. All agree that he should defile himself for one who has come of age. The general rule is: Whenever she is fit for a High Priest, he should defile himself for her; whenever she is not fit for a High Priest, he should not defile himself for her.

6. In the case of all those of whom it is said that for them a priest should defile himself, it is not a matter of choice—it is mandatory.

Rabbi Simeon says: "It is a matter of choice."

Rabbi Judah says: "It is mandatory. It happened that the wife of Joseph the Priest died on Passover Eve, and he did not want to defile himself for her. The Sages thereupon pushed him down and defiled him against his will, the while they said to him: 'It is not a matter of choice—it is mandatory.'"

7. How long does he defile himself for her?

Rabbi Meir says: "All that day."

Rabbi Simeon says: "Up to three days."

Rabbi Judah in the name of Rabbi Tarfon says: "Until the tomb is sealed."

It happened that when Simeon ben Jehozadak died in Lud, his brother Johanan came from Galilee to defile himself by touching the boulder after the tomb had been sealed. Inquiry was made of the Sages, who ruled: "He may not defile himself; but open the tomb for him so that he may look."

It happened that a certain child had bequeathed his property to strangers, passing over his immediate family. The members of his family came forth and contested his action, saying, "Let him be exhumed." Inquiry was made of the Sages, who ruled: "He may not be exhumed. After the tomb has been sealed, the dead may not be stirred from his place."

An alternate reason: "Since he is dead, the hair has undergone a change."

8. A common priest who has defiled himself for his close kin should not do so for strangers, even on the same day.

When does this apply?

If pallbearers and those who inter the dead are present. If, however, these are not present, he must defile himself. Should others arrive while he is defiling himself, he must withdraw to a clean place.

9. If there are two roads there, one close by and defiled, the other far off and clean, if the procession takes the one far off, he should walk along with them; otherwise, let him take the one close by out of deference to the public.

10. While burying his dead, the priest may assist in the burial of strangers, so long as he stands inside the tomb. Once he withdraws, he may not defile himself.

Should he become defiled again on the same day, Rabbi Ṭarfon says: "He incurs a penalty."

Rabbi 'Āqiba says: "He does not."

If he became defiled after that day, all agree that he is liable, because he has invalidated the first day of counting.

11. A priest should defile himself for close kin even when they are disqualified for the priesthood, as in the case of his son and daughter who are *Nēṭinim* or bastards, or his brother and sister who are *Neṭinim* or bastards. For these he should defile himself, but not for those born of a bondsmaid, a Gentile, or some other alien source.

12. A High Priest who defiles himself for the dead, lets his hair grow, or rends his clothes is to be punished by forty lashes. In every instance where a Nazirite must shave his head because of corpse defilement, the High Priest should receive stripes; whenever a Nazirite need not shave his head, the High Priest should not receive stripes.

13. A common priest who has defiled himself or has entered a cemetery is subject to forty stripes. If he has entered a dwelling of heathens, an area inhabited by heathens, or an area of a plowed-up grave, or if he has left the Land of Israel, he should

be flogged into submission. If he has entered a field in which all traces of a grave are lost, no penalty is incurred unless he traverses the whole of it.

14. A priest may travel abroad and so defile himself in order to engage in a civil or capital case; to sanctify the new moon or to intercalate the year; to save his field from a heathen, and if he is a lawyer, even to contest a claim; to study Torah; or to take a wife.

Rabbi Judah says: "He may go abroad if he has no one with whom to study. Otherwise, he should not defile himself."

Rabbi Jose says: "He may go abroad even if he has someone with whom to study, for not from every man is one able to learn."

It so happened in the case of Joseph the Priest, who defiled himself by traveling abroad to study with his master in Sidon.

15. A priest should defile himself for a piece of bone from his deceased father the size of a barley grain, but not for a limb from a living person, even in the case of his father.

It happened that a gangrenous swelling appeared on Joseph ben Piṣkan's leg, and a surgeon came to operate. "Let me know," he said, "when the leg is hanging by a hair."

The surgeon operated, and told him when it was hanging by a hair. He called his son Nēḥoniah and said to him, "Nēḥoniah, my son, until now you were obliged to attend me. From now on you are not obliged to attend me, for it is of such a case that the Sages have said: 'A man should not defile himself for the limb from a living person, not even from his father.'"

When the Sages learned of this, they said: "Of this it is written: *My soul is continually in my hand; yet have I not forgotten Thy Law* (Ps. 119:109), and it is said: *There is a righteous man that perisheth in his righteousness, and there is a wicked man that prolongeth his life in his evil doing* (Eccl. 7:15)."

16. If a priest finds a *meṭ miṣwah*, he must attend to its needs and burial.

When is a corpse a *meṭ miṣwah*?



Whenever he did call out and the townspeople did not hear his cry.

If, however, he calls out and the townspeople do hear his cry, this is not a *meṭ miṣwah*.

Rabbi says: "It is always a *meṭ miṣwah*, until enough pallbearers and those to inter it are there. If, however, enough of them are already there, this is not a *meṭ miṣwah*."

17. In the case of a High Priest and a Nazirite finding a *meṭ miṣwah*, Rabbi Eliezer says: "The High Priest should defile himself, not the Nazirite, for the latter must bring a sacrifice for his defilement, whereas the former need not do so."

The Sages say: "The Nazirite should defile himself, even if he has to bring a hundred sacrifices, and not the High Priest; for the sanctity of the one is from his mother's womb, whereas the sanctity of the other is not. The holiness of the one is for a lifetime, whereas the holiness of the other is temporary."

All agree that when a High Priest and a Multigarbed Priest find a corpse, the Multigarbed Priest must defile himself.

A Multigarbed Priest and a Deputy High Priest: The Deputy High Priest should defile himself.

A Deputy High Priest and one who had temporarily replaced the High Priest: the Temporary High Priest should defile himself.

A Temporary High Priest and a chaplain: the chaplain should defile himself.

A chaplain and a common priest: the common priest should defile himself.

A common priest and a Levite: the Levite should defile himself.

A Levite and an Israelite: the Israelite should defile himself.

If both are of equal status, the more zealous of the two should defile himself. If they are both zealous, either one who wishes to do so may defile himself.

18. If the *meṭ miṣwah* is found lying between an uncultivated field and a plowed field, he should be buried in the uncultivated field.

Between a plowed field and a sown field: he should be buried in the plowed field.

Between a sown field and an orchard: he should be buried in the sown field.

Between an orchard and a vineyard: he should be buried in the orchard.

If both fields are alike, he should be buried in the nearer of the two. If both are close by, one may bury him in whichever one chooses.

19. Rabbi 'Āqīḇa said: "This is how I began attending upon the Sages: Early one morning I arose and found a slain man. I carried him a distance of three Sabbath limits, until I brought him to a burial place and interred him. When I came and excitedly declared the matter to the Sages, they said to me: 'Every single step that you took is accounted to you as if you had shed blood.'

"I then applied to myself the principle of *a minori ad majus*: Having thought to do good, I sinned; had I thought to do less—how much more so!"

Whenever they recalled the incident to Rabbi 'Āqīḇa, he would say: "This is how I began to acquire merit."

## CHAPTER V

1. A mourner is forbidden to engage in work throughout the seven days of mourning: he, his sons, his daughters, his slaves, his bondmaids, and his cattle. Just as he himself is forbidden to work, so are others forbidden to work for him.

2. A task may be done for the mourner so as to prevent an irreparable loss: his grain may be stored for him; his grape vat may be trodden for him; his jugs may be sealed for him.

3. As for his tossed olives, Rabbi Judah says: "One may set the first beam of the press, and let him complete the process after mourning."

"But they will spoil," said Rabbi Jose to him, "so let it be completed at once."

4. As for his vessels that are ready for sealing, Rabbi Judah says: "One may cover them with planks, and let him complete the process after mourning."

"But they will spoil," said Rabbi Jose to him, "so let it be completed at once."

5. In the case of flax to be raised from the retting, or wool to be raised from the dyer's kettle, if others are there, they should draw it out in his presence. If not, he may draw it out in private.

6. His field may be sprinkled for seeding. His flax may be sown in time for the rainfall. So Rabbi Eliezer. The Sages say: "What if it is not sown with his flax? It can still be sown with some other seed. What if not this week? It can still be sown some other week."

7. If he is the only baker in town or the only shopkeeper in town, he may carry on privately out of regard for the public.

Rabbi Simeon ben Yoḥai says: "If he is the town bathhouse attendant or barber and the time of the festival is approaching, he may carry on privately out of regard for the public."

8. If, while in the course of a haircut, they came and told him, "Your father has died," he should finish, whether he is the barber or the client.

9. Laborers engaged by a mourner are forbidden to work for him in his home; in their own homes, they are permitted to do so.

Rabbi Simeon ben Eleazar says: "A day laborer may not work for him in either place. A contract worker may not do so in the mourner's home; he may in his own home.

"Work on anything rooted in the soil is forbidden, in either case. If it is carried on in another town, it is permitted, in either case."

10. A mourner stricken by one death after another may crop his hair with a knife or a clipper, but not with shears. If his clothes are soiled, he may rinse them with cold water; but not with urine.

11. An excommunicant whose hair is too long for him to bear may crop it with a knife or a clipper, but not with shears. If his clothes are soiled, he may rinse them with cold water, but not with urine.

12. The mourner and the excommunicant are permitted to wear shoes while they are traveling on the highway, but as soon as they reach the city they must take them off. And this applies to everybody on the Ninth of Ab or during a public fast.

13. One who died while still under a ban should be stoned. It is not that a great heap of stones should be raised over him as in the case of Achan, rather a court messenger takes a stone and puts it on the coffin so that the law of stoning might be carried out.

14. An excommunicant may not read Scripture for the public, and Scripture should not be read to him. He may not recite Mishnah for the public, and Mishnah should not be recited to him. He may, however, read Scripture and recite Mishnah to himself, so as not to forget what he has learned. Others may hire him and may be hired by him, not by way of doing him a favor, but so as not to slam the door in his face.

15. One banned by the people of his town is not under ban for those of another town:

If by the town, not for students.

If by students, not for Sages.

If by Sages, not for the Naśi'.

One banned by the Naśi' is under ban for all the nation.

16. If one of the excommunicators has died, his colleagues—if he had so empowered them—may release the person under the ban. Otherwise, they may not release him.

17. No ban may last less than thirty days; no rebuke may last less than seven days.

18. Rabbi Simeon ben Gamaliel says: "Whosoever has felt the outstretched arm of the court, even though they turn and take him back, will not leave the world in peace."

## CHAPTER VI

1. A mourner is forbidden to read from the Torah, the Prophets, or the Writings; to recite Mishnah or Talmud, *Hālaḳot* or *'Aggadot*; and is forbidden bathing, anointing, wearing shoes, or the marital bed. He is required to cover his head and to invert the bed.

It happened that Rabban Gamaliel bathed on the first night after his wife's death. His disciples said to him, "Did you not teach us that 'A mourner is forbidden to bathe on the first night'?"

"I am not like other men," he replied to them, "I am asthenic."

2. If others greet him, he must tell them, "I am a mourner." On the first and second day, he should tell them, "I am a mourner." On the third day, he may return the greeting in a hushed voice, but should not be the first to greet them.

3. On the first day, he may not put on *tēfillin*. On the second day, he should put them on, taking them off on the third day and at any time during the *šib'ah* that others come to comfort him. So Rabbi Eliezer.

Rabbi Joshua says: "He may not put on *tēfillin* on the first or second day. On the third day, he should put them on, taking them off at any time during the *šib'ah* that others come to comfort him."

4. If another person died in the same town, the mourner should not join the funeral procession during the first or second day of his own mourning. On the third, he may go forth and stand in the mourners' row to be comforted, but not to comfort others.

When does this apply?

If there are already enough pallbearers and those to inter the dead. If, however, there are not enough of them, he must join the procession even on the first day.

5. If a person came from afar to visit his family and found them in mourning: on the second or third day, he may complete the mourning with them; on the fourth or fifth day, he must count seven days for himself.

Rabbi Simeon ben Eleazar says: "If he found them sitting in mourning, even on the third day, he must count for himself; if he did not find them sitting in mourning, even on the second day, he must count for himself."

6/7. On the first or second day, he must not engage in work, even if it means taking food from the paupers' plate. On the third day, he may work in private. He should work neither in a field close to town nor in one near a highway, but may work privately in his garden. Similarly, a woman should work neither on the rooftop nor in the courtyard, but may work in her house so long as she is not seen by her neighbors.

8. If a dog that ate a piece of flesh from a corpse the size of an olive enters a house, and dies there three days later, the house is clean. If it dies before that time, the house is defiled.

9. It takes three days for seed of the five species to take root. Before Passover, they are forbidden; after this, they are permitted.

10. Within three days of the Sabbath, one may not set out in a caravan.

Within three days of the Sabbath, one may not go off to a war not divinely enjoined.

Within three days of the Sabbath, one may not put out to sea.

11. On the first and second day of his mourning, the mourner should not enter the Temple Mount. On the third, he may enter and walk around to the left.

Who are they who circle to the left? A mourner, an excommunicant, one who had someone sick at home, and one concerned about a lost object.

"What's wrong that you're walking to the left?"

"I am a mourner."

They would then say to him, "May He who dwells in this House comfort you."

Or, "I am banned."

They would then say to him, "May He who dwells in this House put it into their hearts to take you back." So Rabbi Meir. Said Rabbi Jose to him, "You make it sound as if they have done him an injustice. Rather say, 'May He who dwells in this House put it into your heart to obey the word of your fellows that they may take you back.'"

To one who had someone sick at home, they would say, "May He who dwells in this House show mercy to him." If he is not mortally ill: "May He show him mercy at once." It once happened that the daughter of a certain woman fell sick. The mother went up to the Temple Mount, walked around to the left, and did not budge from there until they came and told her, "She has recovered."

To one concerned about a lost object, they would say, "May He who dwells in this House put it into the heart of the one who found it to return it to you at once." It happened that Eleazar ben Hananiah ben Hezekiah ben Garon lost a Torah Scroll, one that had cost him a hundred minas. He went up, walked around to the left, and did not budge from there until they came and told him, "Master, the Torah Scroll has been found."

12. For from the very beginning Solomon built the Temple only on this condition: If anyone is in distress, let him come there and pray. *If there be in the land famine, if there be pestilence, if there be blasting or mildew, locust or caterpillar; if their enemy besiege them in the land of their cities; whatsoever plague, whatsoever sickness there be; what prayer and supplication soever be made by any man . . .* (1 Kings 8:37-38).

From the verse I know that this applies to an individual. And what of a community? Scripture reads, *Of all Thy people Israel* (*ibid.*).

From the verse I know that this applies to an Israelite. And what of a Gentile? Scripture reads, *Moreover, concerning the stranger that is not of Thy people Israel* (*ibid.* 8:41).

How do I know that this is true for one who prays that he may have children, or even for material things? Scripture reads, *What prayer and supplication soever be made* (ibid. 8:38).

Lest one should think that this is true also of someone who prays for children, even when that would not be good for him; for material things, even when that would not be good for him: Scripture reads, *Whose heart Thou knowest—for Thou, even Thou only, knowest the hearts of all the children of men* (ibid. 8:39). What is good for him, do Thou grant him.

And how do I know that men should not persist in their sin? Scripture reads, *Who shall know every man the plague of his own heart, and spread forth his hands toward this House* (ibid. 8:38).

## CHAPTER VII

1. The Sabbath is counted among the days of mourning and does not cut off the mourning period; the festival cuts off the mourning period and is not counted among the days of mourning.

Rabbi Eliezer says: "Since the destruction of the Temple, Pentecost is like the Sabbath."

Rabban Gamaliel says: "New Year's Day and the Day of Atonement are like the festivals."

The Sages say: "It is neither as this one says nor as the other one says, but rather, Pentecost is like the festivals, New Year's Day and the Day of Atonement are like the Sabbath."

2. If one has a death in the family a day before the festival, he should suspend mourning during the entire festival and count six days after the festival. If two days before the festival, he should suspend mourning during the entire festival and count five days after the festival. If three days before the festival, he need no longer invert the bed.

Rabbi Eliezer says: "Even an hour."

Rabban Gamaliel says: "The School of Shammai say, 'Three days'; the School of Hillel say, 'Even an hour.'"



3. Abba Saul says: "Whosoever has buried his dead three days before the festival is released from the obligations of *šib'ah*; if eight days before the festival, from the obligations of *šelošim*. And the law follows his view.

4. If he has buried his dead eight days before the festival, he may, if he wishes, cut his hair and wash his clothes on the eve of the festival. If he did not do so on the eve of the festival, he may not do so until the *šelošim* are completed.

5. Whosoever has buried his dead two days before the end of a festival must suspend mourning during the entire festival and then count seven days, the public paying their respects to him for five days after the festival. If seven days before the end of a festival, he should suspend mourning during the entire festival and then count seven days, the public not attending him at all after the festival.

6. During the days that he counts after the festival, neither his slaves nor his cattle need remain idle. It is rather he and his relatives along with him who should take on mourning.

7. The festival is counted for the mourner in the reckoning of *šelošim*, but not in the reckoning of *šib'ah*. A mourner during the festival is as if he were not a mourner. Nevertheless, he should take on mourning privately.

The general rule is: For whatever concerns the public, the festival is counted for him in the reckoning of *šib'ah*; for whatever does not concern the public, it is not counted for him in the reckoning of *šib'ah*.

8. For mourning, thirty days.

For calendering, thirty days.

For haircutting, thirty days.

For collecting a loan, thirty days.

For the captive woman, thirty days.

For betrothal, thirty days.

For marriage, thirty days.

For tokens of virginity, thirty days.

For a widow, thirty days.

For a brother's childless widow, thirty days.

Thirty days, for subjecting one's wife to a vow.

Thirty days, for an undefined Nazirite vow.

9. In the case of mourning, how so?

For it is said: *And the children of Israel wept for Moses in the plains of Moab thirty days* (Deut. 34:8).

10. In the case of calendering, how so?

A mourner may not wear calendered clothes.

What are calendered clothes?

Clothes that have gone through the press. So Rabbi Meir. But the Sages say: "Dyed clothes, but not those that are white."

Rabbi says: "White, but not those that are dyed; new, but not those that are worn out."

It is permitted to wear a belt, a fillet, cloth slippers, and a head turban; and it is permitted to send out clothes for calendering within thirty days.

11. In the case of hair-cutting, how so?

A mourner may not cut his hair: from his head, his moustache, his beard, or from any part of him. Just as cutting the hair is forbidden during *šib'ah*, so is it forbidden after *šib'ah*. Just as cutting the hair is forbidden, so is cutting the nails forbidden. A woman may cut her hair after *šib'ah*.

12. In the case of collecting a loan, how so?

Whosoever makes a loan to his companion without term may not demand it of him until thirty days have gone by.

13. In the case of a captive woman, how so?

For it is said: *And she shall shave her head and "do" her nails* (Deut. 21:12); she must shave her head and cut her nails. So Rabbi Eliezer. Rabbi 'Āqiba says: "She must shave her head and let her nails grow."

Rabbi Eliezer argues: "The word *ma'āseh* ('doing') is used with reference to the head, and the word *ma'āseh* is used with reference to the nails. Just as the word used in the case of the

head refers to cutting hair, so the word used in the case of the nails refers to cutting nails."

Rabbi 'Āqīḇa argues: "Ma'āśeh is used with reference to the head, and ma'āśeh is used with reference to the nails. Just as the word in the case of the head intends an eyesore, so the word in the case of the nails intends an eyesore."

There is proof for Rabbi Eliezer's view from the case of Mephibosheth son of Saul, for it is said: *And Mephibosheth the son of Saul came down to meet the king; and he had neither dressed ("done") his feet, nor trimmed ("done") his beard* (2 Sam. 19:25).

There is proof for Rabbi 'Āqīḇa's view: *Till his hair was grown like eagles' feathers, and his nails like birds' claws* (Dan. 4:30).

*And she shall put the raiment of her captivity from off her* (Deut. 21:13): If she was wearing beautiful clothes, he should dress her in black; if she was wearing bracelets, earrings, and rings, they must be taken away from her so that she might appear plain.

*And she shall remain in thy house (ibid.)*: She must dwell in his house, in order that he might see her in her drabness when she comes in and goes out.

*And bewail her father and her mother (ibid.)*: her father and mother, literally. So Rabbi Eliezer. Rabbi 'Āqīḇa says: "By *her father and her mother*, idolatry is specifically meant; and it is so written: *Who say to a stock: 'Thou art my father,' and to a stone: 'Thou hast brought us forth'* (Jer. 2:27).

*A full month* (Deut. *ibid.*): Rabbi Eliezer says: "She must wait a month; all other women, three months." But Rabbi 'Āqīḇa says: "*month*—here are thirty days; *a full*—here are two months; *and after that (ibid.)* includes the third month."

When does this apply?

If she is unwilling to be converted. If, however, she is willing to be converted, he should have her immerse herself and manumit her, and may then marry her at once.

Rabbi Simeon ben Eleazar says: "He should have her immerse herself in token of bondage and manumit her, and may then marry her at once."

And why is all this necessary? So that holy seed should not become intermixed with the heathen nations. For it is better that the children of Israel eat the flesh of a dying animal that has been ritually slaughtered, rather than downright carrion.

14. In the case of betrothal, how so?

One may not arrange a banquet to celebrate a betrothal during the thirty days of mourning.

15. In the case of marriage, how so?

One may not arrange a wedding feast during the thirty days.

If, however, the banquet was prepared and his father or father-in-law died, he should consummate the marriage as a matter of religious duty, and then withdraw until after *šib'ah*. When does this apply? In case his father or father-in-law died.

If, however, his wife died, he may not marry another woman until three festivals have gone by.

"Two festivals," says Rabbi Judah, "and he may marry her on the third."

When does this apply?

In case he has children. If, however, he has no children, or has small children, he may remarry even after thirty days. It happened that when Rabbi Tarfon's wife died, he proposed to his wife's sister while still in mourning: "Come home with me and raise your sister's children." Nevertheless, he did not consummate the marriage even after thirty days.

16. In the case of tokens of virginity, how so?

Within thirty days after marriage, a husband may claim the absence of virginity; after thirty days, he may not advance this claim.

17. In the case of a widow, how so?

If the man presses her to get married, and she puts him off, or if she presses him to get married, and he puts her off, she is given thirty days to get ready. If to prepare a trousseau, twelve months. Just as time is given to the woman, so is it given to the man.

18. In the case of a brother's childless widow, how so?

If the sister-in-law says within thirty days, "He has not been

intimate with me," he is compelled to perform *hălišah*. After thirty days he is not compelled to do so.

19. In the case of subjecting one's wife to a vow, how so?

If one vows that his wife is to derive no benefit from him for up to thirty days, he should arrange for someone to support her; beyond this, he must divorce her and pay her marriage settlement.

20. In the case of an undefined Nazirite vow, how so?

An undefined Nazirite vow lasts thirty days. Whether he said, "Lo, I am a Nazirite for thirty days," or whether he said, "Lo, I am a Nazirite"—at the outset, it is thirty days.

As for one who has fulfilled his Nazirite vow abroad and then came to the Land of Israel, the School of Shammai says, "He is a Nazirite for thirty days"; the School of Hillel says, "He is a Nazirite all over again."

21. Whosoever dwells in the Land of Israel for thirty days must put up a *mēzuzah*, but he who rents a house must do so at once.

Whosoever dwells outside the Land of Israel need not put up a *mēzuzah*, but he who rents a house must do so after fifty days.

Whosoever dwells in a *bourgos* for thirty days must put up a *mēzuzah*.

22. Whosoever buys a suckling from his fellow, in the case of small cattle, it should be tended for thirty days; in the case of large cattle, fifty days.

Rabbi Jose says: "In the case of small cattle, three months, for their needs are many."

As to care of a firstling, in the case of small cattle, it should be tended for thirty days; in the case of large cattle, fifty days.

Rabbi Jose says: "In the case of small cattle, three months, for their needs are many."

23. As for an old *sukkah*, the School of Shammai declares it unfit; the School of Hillel declares it fit, so long as it is renovated in some way.

What is meant by an old *sukkah*?

One built thirty days before Tabernacles. If, however, it was built for the sake of Tabernacles, even a year before, it is fit.

24. Seedless onions and Egyptian beans that were denied water for thirty days before the New Year are counted with the produce of that year and may be retained during the Sabbatical year; if for less time, they are not counted with the produce of that year and may not be retained during the Sabbatical year.

25. Whosoever plants a tree, sinks a vine, or grafts a tree thirty days before the New Year should count that as a year and may retain the produce during the Sabbatical year; if less time than that, he may not count it as a year or retain its produce during the Sabbatical year.

Rabbi Judah says: "Grafts that do not take root within three days are not going to take root."

Rabbi Simeon says: "Grafts that do not take root within two weeks are not grafts."

The fruit of such planting is forbidden until the fifteenth of Shebat.

## CHAPTER VIII

1. One may go out to the cemetery for thirty days to inspect the dead for a sign of life, without fear that this smacks of heathen practice. For it happened that a man was inspected after thirty days, and he went on to live twenty-five years; still another went on to have five children and died later.

2. A canopy should be made for the "bride" and the "groom" from which both that which is fit and that which is unfit for food may be suspended. So Rabbi Meir. Rabbi Judah says: "Only that which is unfit for food may be suspended from it."

What things may be suspended from it?

Nuts unsuited for food; pomegranates unsuited for food; loaves unsuited for food; strips of purple; lagenae or flasks of myrrh oil.

And what are the things that may not be suspended from it?

Nuts fit for food; pomegranates fit for food; loaves fit for food; lagenae and flasks of sweet oil.

The general rule is: It is forbidden to benefit from whatever is hung on a canopy.

3. Strings of fish and pieces of meat may be scattered before brides and grooms in the dry season, not in the rainy season; in no case, however, pieces of cooked fish, mushrooms, and truffles, or sesame, although a spoonful may be taken and cast.

The general rule is: Whatever spoils may not be strewn before them.

4. Pipes may be made to flow with wine and with oil before brides and grooms, without fear that this smacks of heathen practice, or that it is a squandering of food. It happened that when Judah and Hillel, the sons of Rabban Gamaliel, came to visit Rabbi Zakkai at Cabul, the people of the city ran pipes flowing with wine and with oil before them.

5. Cattle may be fatally maimed and hamstrung at the death of kings. Whenever hamstringing involves fatal injury, the animal may not be eaten but benefit may be enjoyed from it; whenever hamstringing does not involve fatal injury, the animal may be eaten and, needless to say, benefit may be enjoyed from it.

Which hamstringing involves fatal injury?

That is, from the knee up.

6. Pyres may be kindled for kings, but not for Nēśi'im. When Rabban Gamaliel the Elder died, Akylas the proselyte kindled a pyre worth more than eighty minas in his honor.

"Why did you do this?" they asked him.

He said to them: "Because it is written: *Thou shalt die in peace; and with the burning of thy fathers, the former kings that were before thee, so shall they make a burning for thee* (Jer. 34:5). And isn't Rabban Gamaliel worth more than a hundred useless kings?"

7. The hair of the "bride" may be let down, and the face of the

"groom" may be bared, and the "groom's" inkwell and reed pen may be placed at his side, without fear that this smacks of heathen practice.

Now when Rabban Gamaliel the Elder came to intercalate the year, he said: "Let seven elders be assembled."

Eight came in. When he arrived and found eight, he asked: "Who is it that came in without authority?"

Samuel the Little rose to his feet and said: "My master, I came in to ask for a ruling."

"What's wrong, Eldad and Medad?" said Rabban Gamaliel to him, "For all Israel knows that if I had said that only two are to be admitted, you would have been one of them."

Samuel the Little asked: "May the key and ledger of a dead man be suspended from his coffin to heighten anguish?"

When Samuel the Little died, his key and ledger were suspended from his coffin because he had no son. Rabban Gamaliel and Rabbi Eleazar eulogized him, saying:

Over him it is well to weep;

Over him it is well to mourn.

When kings die,

they leave their crowns to their children.

The rich die,

they leave their wealth to their children.

Samuel the Little

took the world's treasures and went his way.

Thus spoke he in the hour of his death: "Simeon and Ishmael, for the sword. The rest of the nation, for plunder. After this, great disasters will follow." And he said this in Aramaic.

8. When Rabban Simeon and Rabbi Ishmael were seized and sentenced to be executed, Rabbi Ishmael wept.

"Son of the noble," said Rabban Simeon to him, "you are but two steps away from the bosom of the righteous, and you weep?"

"Is it because we are about to be killed that I weep?" he replied. "I weep because we are being executed like murderers and like Sabbath breakers."



Rabban Simeon then said to him: "Perhaps while you were dining or while you were sleeping, a woman came to ask for a ruling about her menses, her defilement, or her cleanness, and the servant told her, 'He is sleeping.' Whereas the Torah states: *If thou afflict them in any wise* (Exod. 22:22). And what is written after this? *My wrath shall wax hot, and I will kill you with the sword* (*ibid.* 22:23)."

Some say: "It was Rabban Simeon who wept, and it was Rabbi Ishmael who spoke to him in this way."

When the news reached Rabbi 'Āqiba and Rabbi Judah ben Baḥa that Rabban Simeon and Rabbi Ishmael had been killed, they rose, girded their loins with sackcloth, rent their clothes, and said: "O Israel, our brethren, hear us! If good has been destined to come to the world, the first to receive it would have been Rabban Simeon and Rabbi Ishmael. But now that it has been revealed to Him who spoke and the world came into being, that dire punishments are ultimately destined for the world, they, therefore, have been taken from the world."

*The righteous perisheth, and no man layeth it to heart, and godly men are taken away, none considering that the righteous is taken away from the evil to come* (Isa. 57:1).

And it also says: *He entereth into peace, they rest in their beds, each one that walketh in his uprightness* (*ibid.* 57:2).

9. When the news that Rabbi 'Āqiba had been executed in Caesarea reached Rabbi Judah ben Bētera and Rabbi Ḥānina ben Tardion, they rose, girded their loins with sackcloth, rent their clothes, and said: "O Israel, our brethren, hear us! Rabbi 'Āqiba has been executed not because he was suspected of robbery or because he did not put all his strength into the study of Torah. Rabbi 'Āqiba has been executed only as a sign. For it is written: *Thus shall Ezekiel be unto you a sign, according to all that he hath done shall ye do; when this cometh, then shall ye know that I am the Lord God* (Ezek. 24:24)."

"In a short time from now no place in the Land of Israel will be found where bodies of the slain have not been cast. For it is

written: *Speak: Thus sayeth the Lord—And the carcasses of men fall as dung upon the open field* (Jer. 9:21)."

Not long thereafter, it is said, Roman armies attacked and put the entire world into chaos. Within twelve months the councils of Judah came to an end. For it is written: *Tremble, ye women that are at ease. Be troubled, ye confident ones* (Isa. 32:11). *Ye women that are at ease* refers to the councils. *Ye confident ones* refers to the circuses.

It is said that twelve months had not gone by before everything that had been foretold happened to them.

10. Rabbi Meir used to relate a parable about a king who arranged a banquet and invited guests, without fixing a time for them to leave. The prudent among them began leaving during the ninth hour of the day. They arrived home and went to bed by daylight. Others rose to leave at sunset while the shops were still open and the lights burning. They arrived at their homes and went to bed by lamplight. Others left during the second and third hour of the night, while some shops were open and others were closed, some lights were burning and others were out. They entered their homes and went to bed in darkness. Those remaining at the feast were overcome with wine and fell to killing and wounding each other. For it is written: *I saw the Lord standing beside the altar; and He said: Smite the capitals, that the posts may shake; and break them in pieces on the head of all of them; and I will slay the residue of them with the sword* (Amos 9:1). As for the remaining servants of the king, the great were smitten because of the small. For it is written: *Therefore have I hewed among the prophets, I have slain those who utter my words* (Hos. 6:5).

11. Rabbi 'Aqiba tells of a king who had four sons. One is struck and is silent. Another is struck and is defiant. The third is struck and is suppliant. Whereas the last says to his father, "Chasten me!"

Abraham is smitten and is silent. As it is written: *Take now thy son, thine only son, whom thou lovest* (Gen. 22:2). He could

have said, "Yesterday Thou hast said to me, *For in Isaac shall seed be called to thee* (*ibid.* 21:12)." Yet he remained silent. For it is written: *And Abraham rose early in the morning* (*ibid.* 22:3).

Job is smitten and is defiant. As it is written: *I will say unto God: Do not condemn me. Make me know wherefore Thou contendest with me* (Job 10:2).

Hezekiah is smitten and is suppliant. As it is written: *And Hezekiah prayed unto the Lord* (2 Kings 20:2). Some say that he, too, was defiant. For should he have spoken thus: *And have done that which is good in Thy sight?* (*ibid.* 20:3).

Whereas David said to his Father, "Chasten me!" As it is written: *Wash me thoroughly from mine iniquity, and cleanse me from my sin* (Ps. 51:4).

12. When Rabbi Hānina ben Tardion was seized for heresy, they sentenced him to the stake; his wife, to the sword; and his daughter, to life in a pavilion of harlots.

"To what did they condemn the poor woman?" said he to them.

"To the sword," they replied. At this point he cited these verses for her: *The Lord is righteous in all His ways, and gracious in all His works* (Ps. 145:17). *The Rock, His work is perfect, for all His ways are justice* (Deut. 32:4).

"To what did they condemn the master?" said she to them.

"To the stake," they replied. At this point she cited this verse for him: *Great in council, and mighty in work, whose eyes are upon all the ways of sons of men, to give every one according to his way, and according to the fruit of his doing* (Jer. 32:19).

At the time of his execution, they wrapped him in a Torah Scroll and set fire to him and to the Torah Scroll, while his daughter, throwing herself at his feet, screamed: "Is this the Torah, and this its reward?"

"My daughter," he said to her, "if it is for me that you are weeping and for me that you throw yourself to the ground, it is better that a fire made by man should consume me, rather than a fire not made by man. For it is written: *A fire not blown by man shall consume him* (Job 20:26). But if it is for the Torah

Scroll that you are weeping, lo, the Torah is fire, and fire cannot consume fire. Behold, the letters are flying into the air, and only the parchment itself is burning."

13. The study of Torah is not to be interrupted out of respect for a dying man until his soul departs. Now when Simeon, the son of Rabbi 'Āḳiḇa, was sick, the father did not neglect his academy, but arranged for messengers to stand by.

The first came and said: "He is very ill."

"Carry on!" said Rabbi 'Āḳiḇa to his pupils.

The second came and said: "He is getting worse."

He had them resume their study.

The third came and said: "He is dying."

"Carry on!"

The fourth came and said: "He is gone."

Thereupon Rabbi 'Āḳiḇa rose and removed his tēfillin, rent his clothes, and said to them: "O Israel, our brethren, listen! Up till now we were obligated to study. From this moment on, you and I are obligated to honor the dead."

A large gathering assembled to honor the son of Rabbi 'Āḳiḇa.

He said to them: "Prepare a bench for me at the cemetery."

They brought out a bench for him at the cemetery, upon which he sat and preached:

O Israel, our brethren, hear me!

It is not that I am wise:

There are those here who are wiser than I.

And it is not that I am rich:

There are those here who are richer than I.

The people of the South know 'Āḳiḇa,

But how do the people of Galilee know him?

The men know 'Āḳiḇa,

But how do the women and children know him?

"But I know that your reward is great, for you are grieved, and you came only for the sake of Torah and for the sake of the *miṣwah*. I am comforted, even if I had had seven sons and had buried them when my son died. And it is not that a man wants to bury his sons. It is only that I know that my son is a child of

the world to come, for he caused the people to do good, and whosoever is a force for good cannot be an instrument for sin. And whosoever causes the people to sin is not given the occasion to repent. Moses was good, and he was a force for good. The merits of the community were therefore accounted to him, for it is written: *He executed the righteousness of the Lord, and His ordinances with Israel* (Deut. 33:21). Jeroboam sinned, and he was a force for sin. The evils of the community were therefore charged to him, for it is written: *For the sins of Jeroboam which he sinned, wherewith he made Israel to sin*" (I Kings 15:28).

14. He continued preaching from the bench: "And what is more, the good are made vehicles of blessing:

"Even without the appearance of Moses and Aaron, Israel was destined to be redeemed from Egypt, for it is written: *And afterwards shall they come out with great substance* (Gen. 15:14).

"Even without the appearance of Moses and Aaron, in the wilderness, Israel was destined to receive the Torah, for it is written: *He layeth up sound wisdom for the upright* (Prov. 2:7).

"Even without the appearance of Jethro, the Section dealing with the judges was due to be written.

"Even without the appearance of those who were unclean, the Section dealing with the alternate Paschal sacrifice was due to be written.

"Even without the appearance of the daughters of Zelophehad, the Section dealing with inheritance was due to be written.

"Even without the appearance of David and Solomon, the Temple was destined to be built, for it is written: *The Sanctuary, O Lord, which Thy hands have established* (Exod. 15:17).

"Even without the appearance of Mordecai and Esther, Israel was destined to be redeemed in the days of Haman, for it is written: *And yet for all that when they are in the hands of their enemies, I will not reject them* (Lev. 26:44).

"And what is more, the wicked are made vehicles of misfortune:

"Even without the appearance of Pharaoh and the Egyptians, Israel was destined to be enslaved, for it is written: *And shall serve them; and they shall afflict them* (Gen. 15:13).

"Even without the appearance of the son of the Israelite woman, the Section dealing with the blasphemer was due to be written.

"Even without the appearance of Zelophehad, the Section dealing with the Sabbath breaker was due to be written.

"Even without the appearance of Balaam, Israel was destined to fall by the sword, for it is written: *All the sinners of My people shall die by the sword* (Amos 9:10).

"Even without the appearance of Jeroboam, Israel was destined to worship idols, for it is written: *And this people will rise up and go astray after foreign gods* (Deut. 31:16).

"Even without the appearance of Nebuchadnezzar and his cohorts, Jerusalem was destined to be destroyed and the Temple burned, for it is written: *Therefore shall Zion for your sake be plowed as a field, and Jerusalem shall become heaps, and the mountain of the House the high places of a forest*" (Mic. 3:12).

15. Now when Trajan executed Pappus and Julianus, his brother, in Laodicea, he said to them: "If you are from the nation of Hananiah, Mishael, and Azariah, let your God come and rescue you the way He rescued them."

They said to him: "Hananiah, Mishael, and Azariah were perfectly righteous men, and Nebuchadnezzar was a proper king. Because of him it was fitting that a miracle should be performed. But you are a wicked king, and for you it is not fitting that a miracle should be performed. As for us, we have incurred the death penalty before the Lord. If you do not kill us, the Lord has many executioners, the Lord has many destroyers: many bears, many tigers, many lions, that can fall upon us and kill us. The Holy One, blessed be He, delivered us into your hands, however, only because He intends to exact payment for our blood at your hands.

Nevertheless Trajan ordered them killed. It is said that they hardly stirred from there before they saw his eyes being gouged out.

16. Those who probed Scripture for its symbolic meaning used to say: *And ye shall break down their altars* (Deut. 12:3).

Of what could wood and stone be guilty?

It is only because man has stumbled on their account that the verse says, *And ye shall break down their altars.*

Let us reason *a minori ad majus*: If for wood and stone that are neither innocent nor guilty, that are neither good nor evil, yet because man has stumbled on their account, Scripture imposes a penalty, *And ye shall break down their altars*—how much more so in the case of a man who is a force for evil, turning his fellow from the path of life to the path of death.

Similarly, it is written: *Thou shalt kill the woman, and the beast; they shall surely be put to death* (Lev. 20:16).

If the woman has sinned, of what then is the beast guilty?

It is only because the woman has stumbled on its account that the verse says, *and the beast; they shall surely be put to death.* Lest the animal should walk by the market place and people should say, "Look, there goes the animal for which So-and-so was executed!"

Let us reason *a minori ad majus*: If for a beast that is neither innocent nor guilty, yet forasmuch as a woman has stumbled because of it, Scripture imposes the penalty of stoning—how much more so in the case of a man who is a force for evil, turning his fellow from the path of life to the path of sin.

Similarly, it is written concerning the stones of the altar: *Thou shalt lift up no iron tool upon them* (Deut. 27:5). And in another place it is written: *For if thou lift up thy tool upon it, thou hast profaned it* (Exod. 20:22).

Why has iron been singled out from all other metals to be forbidden for the altar?

Because from it the sword is made. And the sword is the sign of a curse, whereas the altar is a symbol of forgiveness. That which is the sign of a curse must give way before that which is a symbol of forgiveness.

Let us reason *a minori ad majus*: If of stones that neither see, nor hear, nor speak, nor eat, nor drink, yet because they establish peace between Israel and their Father in heaven, the Torah says *Thou shalt lift up no iron tool upon them*—in the case of students of Torah, who effect atonement for the world, how much more assured are they that evildoers shall not harm them.

Similarly, it is written: *Thou shalt build the altar of the Lord thy God of perfect stones* (Deut. 27:6)—of stones that establish peace in the world.

Let us reason *a minori ad majus*: If of stones that neither see, nor hear, nor speak, nor eat, nor drink, but because they establish peace between Israel and their Father in heaven, the Holy One, blessed be He, said, "Let them be perfect before me"—in the case of students of Torah, who effect atonement for the world, how much more necessary is it that they be perfect before the Holy One, blessed be He.

## CHAPTER IX

1. One should not rend his clothes at the death of all those who are not close kin, except in the case of his teacher who had taught him wisdom.

Rabbi Simeon ben Eleazar says: "If a scholar dies, all who stand by at the time of his death must rend their clothes for him; all those not standing by, need not rend their clothes for him."

2. Everyone should bare an arm at the death of a scholar or a disciple.

For a *Hakam* who died, the right arm must be bared.

For an '*Ab beḡ din*' who died, the left arm must be bared.

For a *Nasi*' who died, both arms must be bared.

Now it happened that when Rabbi Eliezer died, Rabbi 'Āqiba bared both arms and beat his breast, drawing blood. And thus he spoke: "My master, my master, *the chariots of Israel and the horsemen thereof!* (2 Kings 2:12). A multitude of coins have I, but no money-changer to sort them!"

3. For all other dead, the mourner need not bare his arm; for his father and mother, he should do so. But even for his father and mother he need not bare his arm, if he does not wish to do so.

Now it happened that when Rabbi 'Āqiba's father died, strangers bared their arms for him, whereas he did not.



4. For all other dead, the mourner may rend his clothes with a knife; for his father and mother, he may not rend with a knife.

5. For all other dead, he need not bare his breast; for his father and mother, he should bare his breast.

6. For all other dead, he need not cut through the selvage (at the neck of the garment); for his father and mother, he should cut through the selvage.

Rabbi Judah says: "Any rending that does not cut the selvage is but a useless tear."

The initial rent must measure three fingerbreadths; its extension need be but a trifle. But the garment may not be rent beyond the navel.

As for minors, their clothes are rent by others.

Whosoever rends as a sign of respect may immediately mend his garment.

The obligation of rending is fulfilled without touching the undergarment. Rabbi Benjamin states in the name of Rabbi 'Āqiba: "The undergarment must be rent."

7. For all other dead, one has to rend the upper garment; for his father and mother, even if he is wearing a hundred garments, he must rend them all.

A woman should rend only the upper garment.

"A woman should rend the undergarment," says Rabbi Judah, "turn it front to back, and then rend her other garments."

8. For all other dead, he should baste after *šib'ah* and mend the garment after *šelošim*; for his father and mother, he should baste after *šelošim*, but must never mend it.

A woman should baste after *šib'ah* and mend after *šelošim*.

"A woman should baste the garment at once," says Rabbi Judah, "and mend it after *šib'ah*."

9. For all other dead, he should hasten the burial and not make the funeral elaborate. In the case of his father and mother, he should make an elaborate funeral and not hasten the burial, for whosoever takes pains with his father and mother is praiseworthy.

In an emergency, however, or on Sabbath Eve, or if rain is coming down on the bier, he should hasten the burial and not prolong the funeral.

10. For all other dead, he may not wear calendered clothes until after šelošim; for his father and mother, it is forbidden until the festival approaches and his friends get after him.

11. For all other dead, one may not cut his hair until after šelošim; for his father and mother, not until the festival approaches and his friends get after him.

12. For all other dead, he should keep the funeral preparations to a minimum. If he chooses, he need not keep them to a minimum. For his father and mother, he must continue to elaborate until his friends get after him.

13. While in mourning for any other dead, he may join in the procession of another funeral in town. In the case of his father and mother, not until his friends get after him, and say: "Join them!"

14. While in mourning for any other dead, he may not engage in trade until the šelošim have been completed; in the case of his father and mother, not until his friends get after him, and say: "Join us!"

15. While in mourning for any other dead, he may not go to a banquet until the šelošim have been completed for him; in the case of his father and mother, not for twelve whole months, unless it is to celebrate a religious occasion.

16. If a man is told that his father has died, and rends his clothes, and it turns out to be his mother—he has met his obligation.

That his mother has died, and he rends his clothes, and it turns out to be his father—he has not met his obligation.

That his father has died, and he rends his clothes, and it turns out to be one of the relatives—he has met his obligation.

That one of the relatives has died, and he rends his clothes, and it turns out to be his father—he has not met his obligation.

17. If his father and mother died at the same time, he should make one rent in his garment for both of them.

Ben Tema says: "He should rend for this one separately and for that one separately."

If his ten children died at the same time, he should make one rent in his garment for all of them.

Whosoever has rent his garment, and then his son dies and he rends again, may continue rending it down to the navel. When the tear reaches the navel, the garment should be turned around. If a second son dies (within the šib'ah of the first), and he must rend again, he should leave a space after the tear, three fingers long, and then rend.

18. A garment should be rent only between the two seams of the neck. Whosoever rends at the bottom or at the sides has not fulfilled his obligation.

Rabbi Judah says: "He has."

"It happened in the days of Harsum," Rabbi Judah continued, "that clothes were rent at the bottom and at the sides."

"A time of emergency," they said to him, "cannot be cited as proof."

A person in tatters need not rend.

Rabbi Judah says: "He should."

Whosoever rends a woolen cloak, a Brundisian cloak, an embroidered garment, the woof, the basting, or a patchwork garment has not fulfilled his obligation. Whosoever rends that which has been mended has fulfilled his obligation.

What is deemed mended?

That which is mended completely.

19. Which rents may never be mended?

(Those made:)

For one's father and mother;

For his teacher who had taught him Torah and wisdom;

For the burning of the Torah;

For the destruction of the Temple;

For evil tidings;

For the profanation of the Name;

On seeing Jerusalem in her desolation;

For a king;

For a *Naši'*. Some say: Even for a High Priest, an '*Ab bet din*, and a *Naši'*. As for the burning of the Torah and the report of evil tidings—this is so only if one is standing by; in the case of the destruction of the Temple, even on hearing of it.

"For evil tidings"—that are as terrible as the destruction of the Temple.

Whosoever sees Jerusalem from Zofim must rend. If he enters the city, he should extend the tear.

Whosoever goes up to the city from time to time must rend after each interval.

Whosoever passes through or tarries there should make one rent and is quit of his obligation.

20. Whosoever buys a torn shirt from his fellow may not mend it unless he knows that it is the kind of rent that may be mended. Whosoever sells a torn shirt to his fellow must inform him if it is the kind of rent that may not be mended.

All clothes that may not be mended may neither be sold to heathens nor sewn and turned upside down. So Rabbi Simeon. Rabbi Eleazar and Rabbi Judah permit it.

Rabbi Simeon ben Eleazar says: "If one borrows a shirt from his fellow to wear while he goes to visit his sick father, and on arriving, finds him dead—he should rend, mend the garment, and make good the damage. If he took it without indicating what it was for, he has no right to rend."

21/22. Whosoever walks before the bier of the dead in a previously rent shirt robs the dead. Robbing the dead is worse than robbing the living, for he who robs the living can appease his fellow and make good the loss, whereas he who robs the dead cannot appease his fellow and make good the loss.

Whosoever rends for a dead person in whom signs of life reappear, if that person dies immediately thereafter, he has discharged his obligation; if the person dies after a while, he has not discharged his obligation.

As in the earlier case, whosoever honors his father and mother

in death, has it accounted to him as if he had honored them while they were living. For he who honors them in life may do so out of fear or out of hope for an inheritance, but he who honors them in death does so only for the sake of heaven.

23. Whosoever retrieves effects from the dead robs the dead.

There is a time to retrieve and a time not to retrieve.

So long as the effects cast before the dead have not come in contact with the coffin, they may be retrieved. Once they have come in contact with the coffin, they may not be retrieved. Even so, a man must be taught not to be wasteful, for has it not been said that whosoever heaps effects upon the dead transgresses the injunction against wanton destruction? So Rabbi Meir.

Rabbi Eleazar bar Zadok says: "He disgraces him."

Rabban Simeon ben Gamaliel says: "It's more worms that he's inviting."

Rabbi Nathan says: "In the same clothes in which a man descends to Sheol will he appear in the age to come, for it is written: *It is changed as clay under the seal; and they stand as a garment* (Job 38:14)."

## CHAPTER X

1. So long as his dead lies unburied, a mourner is exempt from reciting the *Šēma'*, from the *Tēfillah*, from *tēfillin*, and from all the commandments written in the Torah. Should he wish to exact more of himself, he may not do so, because of the honor due to the dead.

2. When the time comes to recite the *Šēma'*, everyone joins in, while he must remain silent and not recite it. When they rise for the *Tēfillah*, everyone prays, while he must justify the judgment that is upon him. And what does he say?

Master of the universe,

I have sinned before Thee.

For the least part of my sins have I been called to account.

Indeed, I have deserved much worse than this.

May it be Thy will

That Thou mend this breach and comfort me.

Rabbi Simeon ben Eleazar says: "He may also pray on behalf of the deceased."

3. A mourner should eat at the home of his friend.

If he has no friend, let him eat in another house.

If there is no other house, let him make a partition and eat.

If he is unable to make a partition, he should turn his face to the wall and eat.

He may not recline while eating,

nor eat his fill,

nor drink wine,

nor eat meat,

nor should he be included in the Grace,

nor should one say to him, "Pronounce the benediction!"

When does this apply?

On weekdays. On the Sabbath, however, he may eat his fill, eat meat, drink wine, and should be included in the Grace.

"On the Sabbath," says Rabban Gamaliel, "a mourner is as if he were not a mourner."

4. The dead should not be carried out for burial close to the time for the recitation of the Šēma'—the procession must begin some time earlier or later.

5. There are pallbearers in the procession walking before the bier, and others walking behind it. Since those in front are still required for the bier, they are released from the obligation of the Šēma' and are forbidden to wear shoes. Since those in the rear are no longer needed for the bier, they are obligated to recite the Šēma' and are permitted to wear shoes.

Both the former and the latter are released from the obligations of the Tēfillah and tēfillin.

6. On their return from the burial, if they are unable to go through the Šēma' before reaching the mourner's row, they should

first take their places in the line and then recite the Šēma'. Otherwise, they should first recite the Šēma' and pray, and then take their places in the line.

7. While the inner line facing the mourners is exempt, the outer line is required to recite the Šēma'.

Rabbi Judah says: "Even if there is only one line there, those standing so as to share in the grief are exempt; those standing out of respect are required to recite the Šēma'.

"As for the people who went down to the burial plot, those facing the mourners are exempt; those not facing the mourners are required to recite the Šēma'."

8. Rabbi Simeon ben Eleazar says: "Rabban Gamaliel had a temporary tomb in Yabneh into which they used to bring the corpse and lock the door upon it.

"After forming into a line and comforting the mourners, they would dismiss the public. Later, they would carry the body up to Jerusalem."

9. The mourner must cover his head after the tomb is sealed. When he takes his place in the mourners' row, he should uncover it and dismiss the public.

He must cover his head when he leaves the line. If after he enters his home, people arrive to comfort him, he should uncover his head and dismiss the public.

10. On Sabbath eve at dusk, he should bare his head; at the close of Sabbath, he must cover it again.

At dusk, he should stand the bed upright; at the close of Sabbath, he must invert it again.

At dusk, he should put on his shoes; at the close of Sabbath, he must remove them again.

At dusk, he should turn the rent in his clothes front to back; at the close of Sabbath, he must turn it to the front again. If he has another garment, he should wear it over the torn one, out of respect for the Sabbath.

11. If a scholar or a disciple has a death in his family, people

should gather before him and engage in a discussion of the laws of mourning. Should they err, he may correct them in a hushed voice, but must not raise any question himself. If he chooses, he may speak for himself; if not, he should designate someone else to speak for him.

Now it happened that when the son of Rabbi Judah died, he designated another person to speak for him. When the son of Rabbi Jose the Galilean died, he also designated another person to speak for him.

On the other hand, it happened that when the son of Rabbi 'Āqiba died, he continued preaching all that day. When the same thing happened in the case of Rabbi, he, too, continued preaching all that day.

12. On the first Sabbath, the mourner should not enter the synagogue.

On the second, he may enter, but may not sit in his place.

On the third, he may enter and sit in his place, but may not speak.

On the fourth, he is like everyone else.

Rabbi Simeon says: "On the first and second Sabbaths, others should come to comfort him.

"The second is in effect the first.

"The third is in effect the second.

"On the fourth, he is like everyone else."

Rabbi Meir says: "On the first and second Sabbaths, he should not attend the synagogue.

"On the third, he may enter and sit in his place.

"On the fourth, he is like everyone else."

Where does this apply?

In the case of a synagogue. He may attend the academy, however, even on the first Sabbath.

13. When a *Ḥakam* dies, there should be a changing of seats in his academy; in all the other schools, they go on as they were.

When an *'Ab beṭ din* dies, his academies should be suspended; in all other courts and schools, there is a changing of seats.



When a *Nasi* dies, all the academies must be suspended; not that people should remain idle, walking the streets, but rather they should sit in grief and in silence like men who have no leader. When the time comes to rise in the synagogue for the Torah reading, seven people should be called to read, and then, with little ado, the service should be halted.

14. In the academy of a mourner, there may be no speaking in terms of either *Hālaḳah* or 'Aggadāh. If a question must be asked, the discussion should begin with the laws of mourning, digress to other matters, and then close with the laws of mourning.

(Nevertheless), Rabbi Hananiah ben Gamaliel used to relate 'Aggadot in the academy of a mourner.

15. In Judah, they used to greet the mourner on entering and on leaving; in Galilee, neither on entering nor on leaving.

"Why are greetings extended in Judah when entering and leaving?" asked Rabbi Jose. "Because there may be no mourning on the Sabbath."

## CHAPTER XI

1. In a town where two deaths have occurred, the funeral of the person who died first should take precedence. The burial of the second person should be put off, not that of the first, for it is said, "Whosoever lets his dead lie unburied overnight, disgraces him." If, on the other hand, the delay is for the purpose of digging the grave, or bringing shrouds, or for relatives to arrive from some other place, one may let the dead lie overnight, and there is no need for concern.

If both had been scholars, or both disciples, or both *'amme ha-'areṣ*, the funeral of the one who died first should take precedence.

A man and a woman—the funeral of the woman should be first, for she is always more easily put to shame.

A scholar and a disciple—the funeral of the scholar should be first.

A disciple and an 'am ha-'areṣ—the funeral of the disciple should be first.

2. The differences between a man and a woman (in matters of mourning):

The corpse of a man may be placed in the street, not that of a woman.

The *hāḇar 'ir* should walk in the procession of a man who died, not in the procession of a woman who died.

The mourners' meal should be prepared for a man in mourning, not for a woman in mourning. "If she has small sons," says Rabbi Judah, "the mourners' meal may be shared with them."

3. After the first procession and burial, a mourners' row must not be formed nor the mourners' blessing recited until the other funeral has taken place. Following the second procession and burial, the public should form into a line, comfort the mourners, and then be given leave to go, even though it is said: "Two mourners must not be comforted at the same time, unless they are of equal status."

4. Two persons must not be carried out on the same bier, unless they are of equal status and must be equally acclaimed.

It happened with a certain man in Usha that a house fell in on his two sons and his daughter. The incident was brought before Rabbi Judah, who ruled: "Carry all three out on one bier, placing the bridegrooms at one end and the bride at the other."

The people acclaimed them: "Woe, woe, bridegrooms and bride!"

5. Two eulogies may not be delivered at the same time in one town unless there are enough people to pay tribute to both the one deceased and the other.

Two brides must not be acclaimed at the same time in one

town, unless there are enough people to hail both the one and the other.

Rabbi Simeon says: "Nevertheless, it is forbidden, in order to prevent ill feeling."

6. If a funeral procession and a bridal procession, (both) shouting acclamations, meet one another, the deceased must make way for the bride, the honor of the living coming before the honor of the dead. In the case of a king and a bride, the bride must make way for the king.

It happened that King Agrippa gave way to a bride, and the Sages praised him.

They said to him: "Why did you do this?"

"I wear my crown every day," he replied, "she will wear her crown for but an hour."

7. The study of Torah should not be interrupted for the sake of a corpse or a bride.

Abba Saul says: "Works come before study."

Whenever Rabbi Judah saw a dead man or a bride acclaimed, he acted accordingly: fixing his eyes on his students, he would say, "Works come before study."

8. A woman whose father-in-law, or some other close kin of her husband, died, may not paint her eyes or adorn herself. Instead, she must demean herself in the presence of her husband, just as he does.

Similarly, if his father-in-law, or some other close kin of his wife, died, he may not insist that she adorn herself. Instead, he must demean himself in her presence, just as she does.

9. House cleaning, dishwashing, and bedmaking ought not be thought of as work for a mourner.

10. A cot that is standing on end need not be inverted.

Rabbi Simeon ben Eleazar says: "Lower its thongs and leave it just as it is."

11. In the case of five brothers who used to eat at their father's

table and lost their father, if all of them were in the habit of going to their own homes to sleep, the beds in each home must be inverted; otherwise, only the beds in the house they used must be inverted.

12. If a mourner, having five houses, made use of them all, he should invert the beds in all of them; otherwise, only the beds in the house which he uses should be inverted.

13. Whosoever lodges as a guest at the home of his fellow may invert the bed if he is on familiar terms with his host; otherwise, he should not invert the bed.

14. If while traveling with others on the highway, a man hears of a death in his family, he should, if he is in a position to order the others about, invert the bed; otherwise, he need not invert the bed.

15. A man may invert his bed over two benches, or over four stones, even if it is then piled with five mattresses, even four cubits off the ground, just so long as its legs are upside down.

16. So long as his dead lies unburied, a mourner may sleep neither on an upright bed nor on an inverted bed.

17. Whosoever sleeps upon a bench or a large basin is obligated to invert the bed.

(If he says:) "I will neither invert the bed nor sleep on a bench," he should not be heeded; instead, he should be told: "Inverting the bed is an obligation."

18. A bed must remain inverted at times for six days, at times for five, at times for four, at times for three, neither more nor less.

How so?

If the death took place at twilight, the bed must be inverted for six days.

At twilight of Sabbath eve, five days.

If that Sabbath is followed by a festival, four days.

And if that Sabbath is followed by the two festival days of New Year, three days.

19. At what time must the bed be inverted?

When the dead is carried out of the courtyard gate. So Rabbi Eliezer. Rabbi Joshua says: "When the tomb is sealed."

It happened that when Rabban Gamaliel the Elder died, no sooner did they leave the courtyard gate than Rabbi Eliezer said to them: "Invert the beds!"

No sooner was the tomb sealed than Rabbi Joshua said to them: "Invert your beds!"

"We have already inverted the beds," they replied, "at the behest of the Sage."

## CHAPTER XII

1. The day one hears of a death is like the day of burial, so far as rending clothes and mourning, the precepts of *šib'ah* and the precepts of *šelošim* are concerned. As for eating hallowed food, it is only like the day of ossilegium: both in one case and in the other, hallowed food may be eaten.

2. Rabbi Eliezer says: "On hearing of a recent death within thirty days, *šib'ah* and *šelošim* must be observed. Beyond this, only one day need be observed.

Rabbi 'Āqiba says: "On hearing of a recent death within twelve months, *šib'ah* and *šelošim* must be observed. Beyond this, only one day need be observed."

The Sages say: "Whether one hears of a recent death or of a death long past, *šib'ah* and *šelošim* must be observed."

It happened that when Rabbi Zadok's father died in Ginzak, Media, the news reached him after three years, whereupon he observed *šib'ah* and *šelošim*.

3. Whenever clothes are rent for a person at the time of his death, they must be rent for him at the time of ossilegium.

Whenever clothes rent in the event of death may not be mended, they may not be mended in the event of ossilegium.

4. In the case of ossilegium, mourning must be observed for only one day. As a consequence, the bones are gathered only near

nightfall. If while gathering them all that day, night falls, a man is released from the obligation of mourning on the very next day.

There should be no standing in line, and no comforting of mourners, but personal words of sympathy may be extended to them. The *hāḇar 'ir* should not participate in their rites, but the meal may be prepared for them in the mourners' house.

Rabbi Simeon ben Eleazar says: "If night falls while the comforters are going around the inverted beds offering personal words of sympathy, the beds need not be set upright."

5. This is what societies used to do in Jerusalem: some went to a mourner's house, others to a wedding feast; some to a circumcision, others to an ossilegium.

To a mourner's house or to a wedding feast?

The wedding feast comes first.

To a circumcision or an ossilegium?

The circumcision comes first.

The early Hāsīdīm, however, gave precedence to the mourner's house rather than to the wedding feast, inasmuch as it is said: *It is better to go to the house of mourning, than to go to the house of feasting; for that is the end of all men, and the living will lay it to his heart* (Eccl. 7:2).

What is the force of *and the living will lay it to his heart*? That whosoever follows the bier must say: "I, too, shall take this path!"

6. The bones of a corpse should not be taken apart, nor the tendons severed, unless the bones had fallen apart of themselves and the tendons of themselves had been severed.

7. A person may collect the bones of all dead except those of his father and mother. So Rabbi Johanan ben Nuri.

Rabbi 'Āqīḇa says: "The bones may not be gathered until the flesh has wasted away; once it has, the features are no longer recognizable in the skeleton."

8. The ossilegium of two corpses may take place at the same time, as long as the bones of the one are put at one end of a sheet and those of the other at the other end of the sheet. So Rabbi Johanan ben Nuri.

Rabbi 'Āqīḇa says: "In the course of time, the sheet will waste away; in the course of time, the bones will intermingle. Let them rather be gathered and placed in ossuaries."

9. The bones may be sprinkled with wine and oil. So Rabbi 'Āqīḇa.

Rabbi Simeon ben Nannas says: "Oil, but not wine, because wine evaporates."

"Neither wine nor oil," say the Sages, "because these only invite worms, but dried herbs may be put on them."

Rabbi Eleazar bar Zadok said: "Thus spoke father at the time of his death: 'My son, bury me at first in a fosse. In the course of time, collect my bones and put them in an ossuary; but do not gather them with your own hands.'"

"And thus did I attend him: Johanan entered, collected the bones, and spread a sheet over them. I then came in, rent my clothes for them, and sprinkled dried herbs over them.

"Just as he attended his father, so I attended him."

10. A man may shroud and gird the corpse of a man, but not that of a woman. A woman may shroud and gird the corpse of a man or of a woman.

A man may attend another man suffering from intestinal illness, but not a woman. A woman may attend a man or a woman suffering from intestinal illness.

11. Abba Saul ben Boṭniṭ said to his sons: "Bury me at the feet of my father, and untie the purple fringe from my cloak."

12. A man may enter the bathhouse with everyone except his father, his father-in-law, his stepfather, or his teacher who had taught him wisdom.

Rabbi Judah says: "If his father is old or sick, he may enter and bathe him, for by this he honors him."

13. A body may not be carried out on a bier unless the head or the greater part of the corpse is intact.

Rabbi Judah says: "The spinal column or the skull constitute the greater part of the corpse."

It happened that the son of Rabbi Ḥānina ben Tardion fell into evil ways. Brigands seized him and slew him. His mutilated body was found after three days. They wrapped it in a net and placed it on a bier. They then brought him into the city, and acclaimed him by praising his father.

His father cited this verse for him: *And thou moan, when thine end cometh, when thy flesh and thy body are consumed, and say: 'How have I hated instruction, and my heart despised reproof; neither have I hearkened to the voice of my teachers, nor inclined my ear to them that instructed me! I was well nigh in all evil* (Prov. 5:11-14). Having finished, he went back to the beginning of the verse.

His mother cited this verse for him: *A foolish son is a vexation to his father, and bitterness to her that bore him* (ibid. 17:25).

His sister cited this verse for him: *Bread of falsehood is sweet to a man; but afterwards his mouth shall be filled with gravel* (ibid. 20:17).

## CHAPTER XIII

1. A person engaged in ossilegium or in guarding the bones is exempt from reciting the *Šēma'*, from the *Tēfillah*, from *tēfillin*, and from all the commandments written in the Torah. Should he wish to exact more of himself, he may not do so, because of the honor due to the bones of the dead.

Rabbi Johanan ben Nuri says: "Let him withdraw four cubits and recite the *Šēma'*."

Rabbi Simeon ben Eleazar says: "If they are with him on the same side of a boat, let him shift them and recite the *Šēma'*."

Rabbi Isaac says: "If the bones are of his close kin, he is exempt from reciting the *Šēma'*; if of strangers, he is obligated."

Rabbi Simeon says: "On the Sabbath, he is obligated; during the week, he is exempt."

"If he is carrying his pack," says Rabbi Nathan, "he is exempt, for the obligation that is upon him is to guard the bones, not the pack."



2. Bones or Sacred Scrolls may be taken from place to place in a case, but not carried loose in a wagon, or in a boat, or upon the back of an animal, nor may one sit on them. If it is for the sake of the dead alone, or so that one might steal past customs, it is permitted.

3. While passing through a cemetery, one should not wear *tēfillin* or hold a Sacred Scroll in his arm, this being mockery of the dead.

4. If while hollowing a *koḳ* in a tomb, the time for the recitation of the *Šēma'* has approached, one should neither recite the *Šēma'* nor pray, but withdraw to a clean place, recite the *Šēma'* and pray, and then come back.

5. Whosoever finds a corpse in a tomb should not move it from its place, unless he knows that this is a temporary grave.

6. Whosoever finds bones in a tomb should place them in an *arcosolium*. So Rabbi 'Āqiba. The Sages say: "He should not move them from their place."

If he found them in a *koḳ* or in a *loculus*, he should not move them from their place.

7. Neither a corpse nor the bones of a corpse may be transferred from a wretched place to an honored place, nor, needless to say, from an honored place to a wretched place; but if to the family tomb, even from an honored place to a wretched place, it is permitted, for by this he is honored.

8. Two corpses may not be buried beside one another, nor a corpse beside bones, nor bones beside a corpse.

Rabbi Judah says: "Whomsoever a person may sleep with when he is living, he may be buried with when he is dead."

9. A tomb that has been cleared out may be used. It should not, however, be turned into a barn or stall for cattle, or into a woodshed or warehouse.

It is forbidden to use a *koḳ* that has been cleared out.

A tomb that was built for a living person may be sold; if for

a dead person, it may not be sold. Stones that were hewn for a living person may be sold; if for a dead person, they may not be sold.

It is forbidden to use a coffin that has been cleared out. If it is of stone or clay, it should be shattered; if of wood, burned.

Whosoever finds boards in a cemetery must not move them from their place.

## CHAPTER XIV

1. No water may be channeled through a cemetery;  
nor may a path be made,  
nor may cattle be grazed,  
nor may one take walks there;  
nor may wood and grass be gathered there. If they have been gathered, it is forbidden to make use of them; if they have been gathered for the sake of the cemetery, they should be burned on the spot.
2. All funeral urns that are inherited may be moved from place to place and transferred from family to family. A tomb may be neither moved from place to place nor transferred from family to family.
3. A new tomb may be measured, sold, or divided.  
An old tomb may be neither measured, nor sold, nor divided.  
A new tomb may in effect be old; an old tomb may in effect be new.  
How so?  
An old tomb in which ten dead persons were buried without the owner's consent is in effect new, and may be measured, sold, or divided. A new tomb in which a fetus was buried with the owner's consent is in effect old, and may be neither measured, nor sold, nor divided.
4. Presumptive ownership cannot be claimed in behalf of those

buried in a tomb of exiles. The claim may not be made in behalf of those buried at a time of pestilence or a time of war.

Rabbi Simeon ben Gamaliel says: "A fetus cannot acquire possession of its burial place."

Whosoever is buried without consent has no claim of possession.

5. A woman who has inherited a tomb may be buried in it, she and her descendants. So Rabbi Meir.

Rabbi Judah says: "She, but not her descendants." But children born in her lifetime, Rabbi Judah agrees, may be buried with her when they die.

6. If her father says: "Let her be buried near me," and her husband says: "Let her be buried near me," she should be buried next to her father. But if she has children by her husband, she should be buried next to her husband.

If she said: "Bury me near my children," she should be buried next to her children.

7. If her father says: "Don't bury her near me," and her husband says: "Don't bury her near me," she should be buried next to her husband, because he is responsible for her maintenance, her ransom, and her burial.

Rabbi Judah says: "(He must also provide for) two flute players and professional mourners."

Where eulogies are customary, he must provide a eulogy for his wife.

Should her husband refuse to attend to her burial, her father may arrange for it and exact payment from the husband by force.

8. In essence there are three kinds of tombs.

A tomb just discovered: It is permitted to clear it out, but if it is cleared out, no use may be made of the place.

A tomb known to exist: It is forbidden to clear it out, and if it is cleared out, no use may be made of the place.

A tomb creating a public nuisance: It is forbidden to clear it out, and if it is cleared out, the place remains defiled.

9. A tomb flanked by a town on three sides, or on two sides facing each other, need not be cleared out if it is more than fifty cubits away from each side. If less than this, it must be cleared away.

10. All tombs (within a city) may be cleared out.

Rabbi 'Āqiba said: "What about the tombs of Huldah in Jerusalem which no one has ever touched?"

"What kind of proof is that?" they said to him, "A tunnel had been made for them that carried the uncleanness into the brook of Kidron."

11. Whosoever sells the path to his tomb to another has made no sale.

Whosoever sells the ground set aside for his funeral oration has made no sale.

Whosoever buys from another a halting place for a procession is allotted an area of four *kāḇ* by the court elders.

A private path is four cubits in width.

A public road, sixteen cubits.

A king's highway has no limits.

A path to a tomb has no limits.

The ground set aside for a funeral oration has no limits.

12. Whosoever sees a mourner within thirty days should comfort him, but not ask him how he is feeling. After thirty days, but within twelve months, he should ask how he is feeling and then comfort him. After twelve months, he should comfort him and then ask how he is feeling.

Rabbi Meir says: "Whosoever sees a mourner within thirty days should comfort him and then ask him how he is feeling. After thirty days, but within twelve months, he should ask how he is feeling and then comfort him. After twelve months, he may in no sense remind him of his mourning."

Rabbi Meir used to tell this parable about a man who had a wound that had healed. A certain physician approached him and said, "Give me my fee, and I will tear open your wound and heal you." It is accounted to him as if he had actually aggravated

the wound. So also, whosoever reminds a mourner of his dead after twelve months has it accounted to him as if he had stirred up his dead.

Rabbi Simeon ben Gamaliel says: "Also in the case of a man who remarried after his wife had died, within twelve months one may comfort him in the market place; not, however, in his home."

13. Everybody may bring cakes, meat, and fish to a mourner's house, and in the presence of the *hāḇar 'ir*, beans and fish.

Rabbi Simeon ben Gamaliel says: "If it is the local custom, even a dish of cooked grits."

14. One should drink ten cups of wine in the mourner's house:

Two before the meal;

Five during the meal;

And three after the meal: one for the mourners' blessing, one for comforting the mourners, and one for acts of kindness.

They then turned around and added three more:

One for the head of the synagogue;

One for the *hazzan*;

And one for Rabban Gamaliel.

Now when the Sages and Beṭ din saw that the people continually became drunk, they decreed a return to the former custom.

15. Whosoever recites the Grace in the mourner's house should not recite the fourth blessing. So Rabbi Jose the Galilean.

Rabbi 'Āḳiḇa says: "(He recites:) 'He who is good and does good.'"

The Sages say: "(He recites:) 'Blessed be the Judge of truth.'"

16. Whosoever sees a place where miracles were wrought for Israel must say: "Blessed be the Lord who wrought miracles for our fathers in this place."

## LIST OF ABBREVIATIONS

### *Tractates of Mishnah, Tosefta, and Talmud*

Ab—'Aboṭ	Miḵ—Miḵwa'ot
AZ—'Āḇodah Zarah	MḲ—Mo'ed Qaṭan
BB—Baḅa Batra	Naz—Nazir
Bek—Bēkoroṭ	Ned—Nēḏarim
Ber—Bēraḳoṭ	Nid—Niddah
Bik—Bikḳurim	Ohal—'Ōhaloṭ
BḲ—Baḅa Ḳamma	Par—Parah
BM—Baḅa Mēšī'a	Pe—Pe'ah
Dem—Dēmai	Pes—Pēsahim
Ed—'Eduyyoṭ	RH—Roš haš-Šanah
Er—'Erubin	Sanh—Sanhedrin
Giṭ—Giṭtin	Shab—Šabbat
Haḡ—Hāḡigah	Sheḅi—Šēḅī'it
Hal—Hallah	Sheḳ—Šēḳalim
Hor—Horayoṭ	Sof—Soḡērīm
Hul—Hullin	Soṭ—Soṭah
Kal—Kallah	Suk—Sukḳah
Kel—Kelim	Ta—Ta'ānit
Ker—Kēriṭoṭ	Tem—Tēmurah
Ket—Kēṭubboṭ	Ter—Tērumah
Ḳid—Ḳiddušin	Ṭoh—Ṭohāroṭ
Kil—Kil'ayim	Yad—Yadayim
Mak—Maḳḳoṭ	Yeb—Yēḅamoṭ
Meḡ—Mēḡillah	Za—Zabim
Men—Mēnaḥoṭ	Zeb—Zēḅahim
Mid—Middoṭ	

B. prefixed to the name of a tractate indicates a reference to the Babylonian Talmud; P. indicates a reference to the Palestinian (Jerusalemite) Talmud; and Tos a reference to the Tosefta (ed. M. S. Zuckermann, Pasewalk, 1880; 2d ed., Jerusalem, 1937). Otherwise the reference is to tractates of the Mishnah or to a Minor Tractate.

*Other Sources and Commentaries*

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- Against Apion*—by Josephus, ed. H. St. J. Thackeray (Loeb Classical Library)
- Albeck—*Mishnah*, ed. H. Albeck (Jerusalem—Tel Aviv, 1952–59), 7 vols.:  
 1. *Zēra'im*  
 2. *Mo'ed*  
 3. *Našim*  
 4. *Nēzikin*  
 5. *Ḳōḏašim*  
 6. *Tohāroṭ*  
 7. Introduction to the Mishnah
- Ant*—Josephus, *Antiquities*, ed. H. St. J. Thackeray and R. Marcus (Loeb Classical Library)
- ARN—*'Aboṭ dē-Rabbi Naṭan*, ed. S. Schechter (New York, 1945)
- ARNB—Version B of ARN
- Aruch*—Nathan ben Jehiel of Rome, *Aruch Completum*, ed. A. Kohut, 8 vols., and *Addimenta*, ed. S. Krauss, Vol. 9 (New York, 1955)
- B.—Babylonian Talmud
- BAḤ—R. Joel Sirkes, *Bayiṭ ḥadaš*, found in the editions of the *Tur Ben Yehudah*—*Eliezer ben Jehudah, Millon ha-lašon ha-'ibriṭ* (Jerusalem, 1940–60), 16 vols.
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- Brown-Driver—*A Hebrew and English Lexicon of the Old Testament*, ed. F. Brown, S. R. Driver, and C. A. Briggs (Oxford, 1959)
- BY—*Beṭ Yosef*, the commentary of R. Joseph Caro to the *Tur*
- Cumont—Franz Cumont, *After Life in Roman Paganism* (New Haven, 1923)
- DLM—M. H. Segal, *Diḳduḳ lešon ham-Mišnah* (Tel Aviv, 1936)
- DS—Raphael Nathan Rabinowitz, *Diḳduḳe soṭērim* (New York, 1960), 15 vols.
- EB—*Encyclopaedia Britannica* (New York, 1929)
- Eccl. R.—*Ecclesiastes Rabbah*

- EH—*Encyclopaedia Hebraica* (Jerusalem, 1949— )
- ELM—*Essays and Studies in Memory of Linda R. Miller*, ed. Israel Davidson (New York, 1938)
- EpJV—J. N. Epstein *Jubilee Volume* (Jerusalem, 1950) = *Tarbiš*, 20 (1949)
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- Frankel—Zacharias Frankel, *Darke ham-Mišnah*, ed. I. Nissenbaum (Tel Aviv, 1959)
- Gen. R.—Genesis Rabbah
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- GRA—Gaon Rabbi Elijah of Wilno
- Hastings—*Encyclopaedia of Religion and Ethics*, ed. J. Hastings (New York, 1912), 10 vols.
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- HH—Saul Lieberman, *Hilkot hay-Yērušalmi* (New York, 1948)
- HIDA—R. Hayyim Joseph David Azulai
- ha-Hillukim—*ha-Hillukim šeb-ben 'anše Mizraḥ u-bēne 'Ereš Yiśra'el*, ed. M. Margalioth (Jerusalem, 1938)
- HJP—Saul Lieberman, *Hellenism in Jewish Palestine* (New York, 1950)
- HP—*Halakot pšukot*, ed. S. Sasoon (Jerusalem, 1950)
- HUCA—*Hebrew Union College Annual*
- 'Ittur—R. Isaac ben Abba Mari of Marseilles, *Sefer ha-'ittur* (New York, 1955)
- Jahrbücher—*Jahrbücher für Jüdische Geschichte und Literatur*, ed. N. Brill (Frankfurt, 1874)
- JAOS—*Journal of the American Oriental Society*
- Jastrow—Marcus Jastrow, *A Dictionary of the Targumim, the Talmud Babli and Yerushalmi, and the Midrashic Literature* (New York, 1950)
- JE—*Jewish Encyclopedia*
- JPS—Jewish Publication Society
- JQR—*Jewish Quarterly Review*
- JSGRP—Erwin R. Goodenough, *Jewish Symbols in the Greco-Roman Period* (New York, 1953–64), 11 vols.
- Julian—*The Works of the Emperor Julian*, trans. W. C. Wright (London, 1923), 3 vols.



- JW—Josephus, *Jewish War*, ed. H. St. J. Thackeray (Loeb Classical Library)
- Kēle—Y. Brand, *Kēle ha-heres bē-sifrut hat-Talmud* (Jerusalem, 1953)
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- KJV—*Samuel Krauss Jubilee Volume* (Jerusalem, 1937)
- KM—*Keseḥ mišneh*, commentary by R. Joseph Caro on MT
- KN—*Korban Nēḥan'el*, commentary by R. Nathaniel Weil to ROŠ
- KS—*Kiryat sefer*
- Lam. R.—Lamentations Rabbah
- Laws—Plato, *Laws*, trans. R. G. Bury (London, 1926), 2 vols.
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- Lev. R.—Leviticus Rabbah
- Levy—Jacob Levy, *Neuhebräisches und chaldäisches Wörterbuch über die Talmudim und Midraschim* (Leipzig, 1876–89), 4 vols.
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- Miḳtam—R. David ben Levi of Narbonne, *ham-Miḳtam*, ed. A. Schreiber (New York, 1959)

- Millim*—E. Y. Kutscher, *Millim wē-tolēdotehen* (Jerusalem, 1961)  
 MJV—*Alexander Marx Jubilee Volume, Hebrew Section* (New York, 1950)  
 MLM—J. N. Epstein, *Maḥo' lē-nusah ham-Mišnah* (Jerusalem, 1948), 2 vols.  
 MLT—J. N. Epstein, *Mēḥo'ot lē-sifrut hat-tanna'im*, ed. E. Z. Melamed (Jerusalem—Tel Aviv, 1957)  
 MM—*Maggiḏ mišneh*, the commentary of Don Vidal de Tolosa to MT  
 MoC—Saul Lieberman, "The Martyrs of Caesarea," in *Annuaire de l'Institut de Philologie et d'Histoire Orientales et Slaves*, VII (New York, 1944)  
 Mordecai—Code of Mordecai ben Hillel, found in the Shulsinger edition of the Babylonian Talmud (New York, 1948)  
 MT—Maimonides, *Mišneh Torah* (without Book and Treatise number, refers to XIV, iv [*Hilkoṭ 'eḥel*], followed by page number in YJS, 3)  
 MTeh—*Midraš Tēhillim*, ed. S. Buber (Wilno, 1891)  
 MV—*Maḥzor Viṭry*, ed. S. Horowitz (Nuremberg, 1923), 2 vols.  
 Nimmuke Y—*Nimmuke Yosef*, commentary by Joseph Ḥabiba on RIF  
 Num. R.—Numbers Rabbah  
 NY—*Naḥlaṭ Ya'āqob*, commentary by R. Jacob Naumburg on Sm in the regular editions of the Babylonian Talmud  
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 OZ—Rabbi Isaac of Vienna, 'Or Zarua' (Zhitomir, 1862)  
 P.—Palestinian Talmud  
 PAAJR—*Proceedings of the American Academy for Jewish Research*  
 Payne-Smith—*A Compendious Syriac Dictionary*, ed. J. Payne-Smith (Oxford, 1903)  
 Pērišah—the annotations of R. Joshua Falk to the *Tur*  
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 RAN—R. Nissim ben Reuben Gerondi, *Novellae* to MK, ed. S. Frank and S. Wahrner, in *Riṣonim* (Jerusalem, 1937)  
 RAŠAŠ—*Novellae* of R. Samuel Strashun to the Babylonian Talmud  
 RAŠBA—R. Solomon ibn Adret; unless otherwise indicated, this refers to *Še'elot u-těšubot* (New York, 1958–59), 2 vols.  
 RAŠBAM—R. Samuel ben Meir  
 Rashi—R. Solomon ben Isaac, of Lunel  
 RDL—R. David Luria  
 REJ—*Revue des Etudes Juives*  
 REMA—the annotations of R. Moses Isserles to the *Šulhan 'Aruḳ*  
*Remains—Remains of Old Latin*, ed. E. H. Warmington (London, 1961), 4 vols.  
 RIBAŠ—R. Isaac ben Sheshet, *Še'elot u-těšubot* (Lemberg, 1805)  
 RID—R. Isaiah di Trani  
 RIF—Code of R. Isaac Alfasi in the Shulsinger edition of the Babylonian Talmud (New York, 1948)  
 RIṬBA—R. Yom-Ṭob ben Abraham Ishbili, *Sefer Hidduše ha-Riṭba 'al masseket Mo'ed ḳaṭan*, ed. C. Bloch (New York, 1935)  
 ROŠ—R. Asher ben Jehiel; unless otherwise indicated, this refers to his code in the regular editions of the Babylonian Talmud  
 RŠBH—R. Solomon ben hay-Yaṭom, *Peruš masseket Mašḳin*, ed. H. P. Chajes (Berlin, 1909)  
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 Tos—Tosefta, ed. M. S. Zuckerman (Jerusalem, 1937)  
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 TR—Saul Lieberman, *Tosefet riṣonim* (Jerusalem, 1937–39), 4 vols.

- TŠ—*Torah šëlemah*, ed. M. M. Kasher (New York and Jerusalem, 1949-61), 20 vols.
- TT—Saul Lieberman, *Tosefta* (New York, 1955-62), 2 vols.:  
 1—*Zëra'im*  
 2—*Mo'ed*
- TTA—A. Hyman, *Tolëdoṭ tanna'im wë-amora'im* (London, 1910), 3 vols.
- Ṭur—the Code of R. Jacob ben Asher
- TYṬ—*Tosafoṭ Yom Ṭoḥ*, commentary by R. Yom Ṭoḥ Lipman Heller on the Mishnah
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- YD—*Ṭur Yoreh de'ah*
- YJS—Yale Judaica Series
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## NOTES

### Chapter I

1. See Introduction (pp. 9f.) for a discussion of the legal status of the *goses*, and for the Midrash that precedes our text in several MSS and printed editions.

"obligate to levirate marriage." The widow of his childless brother may marry only him, or else perform the *ḥālīṣah* ceremony (Deut. 25:5-10; cf. below, vii, 18; and Nid 5:3).

"release from levirate marriage." If his father dies without leaving any other children, the *goses* releases his mother from the obligation of marrying his uncle (*ibid.*).

"right to . . . heave offering." If his deceased father was a priest, the *goses* confers upon his mother the right to eat of the heave offering (Num. 18:8 ff.; Yeb 9:5).

"disqualify from . . . heave offering." If his deceased father was an Israelite, and if his mother is the daughter of a priest, the *goses* disqualifies his mother from sharing in the heave offering of her own father's house (Lev. 22:13; Yeb 9:6; MT, VIII, iii, vi, 12).

"He may inherit," etc. If the mother of the *goses* dies, he is her heir, and upon his death—if he leaves no issue—her property falls to his paternal brothers. Had not the *goses* been considered a living person, he could not have inherited, and the property would have immediately reverted to his mother's nearest kin.

"limb . . . flesh." A limb from a living person causes ritual uncleanness when touched, carried, or overshadowed in the manner of a tent, provided it is severed *in toto*; if a part of this limb is cut off, that part no longer defiles. On the other hand, a piece of flesh even the size of an olive would defile if it were cut from the severed limb of a corpse or directly from the corpse itself (Eḡ 6:3).

The homoioteleuton in *A*, "and if flesh . . . person," has been filled in on the basis of the other MSS (SmH, 98, line 5).

"The blood . . . may be sprinkled." If the owner of an offering dies, the animal may not be sacrificed. If it is a sin offering, the animal must be left to die (Tem 4:1; MT, VIII, vii, iv, 1 [YJS, 12, 316]); if it is a guilt offering, the animal is sent out to pasture until it develops a blemish that releases it for common use (MT, *ibid.*, iv, 14 [YJS, 12, 319]).

"until the moment"—*'ad l'at le*. Professor Kutscher suggests that this construction seems to be identical with phrases like *mēḥom 'āšer*, "the place where," in Biblical Hebrew and *'al mēnaṭ le*, "on condition that," in Mishnaic Hebrew.

2. The jaws were tied to prevent the mouth from falling open. The orifices were stopped to prevent air from entering the body. A heat conducting object was placed on the belly to inhibit swelling, the verse being interpreted as proof that a corpse's stomach swells and bursts (B. Shab 151b, and see Rashi, *ad loc.*; below, note to xi, 1). All these are post-mortem practices, and are forbidden in the case of a *goses* because, being premature, they might hasten his death.

In the process of putrefaction, corpses exhibit a general distention of body

cavities, the gas formation causing a ballooning of the face, neck, and trunk, and especially a swelling of the abdominal and chest cavities (T. A. Gonzales, M. Vance, M. Helpert, and C. J. Umberger, *Legal Medicine: Pathology and Toxicology* [New York, 1954], pp. 59-70). I am grateful to Dr. Donald Gribetz for directing my attention to this work.

"as it is written," etc. Except for *A*, all the MSS, the *editio princeps*, *H*, and the Giustiniani edition of 1550 include this verse. Cf. also the citations in *HG* p. 215, and *HP*, p. 174. Note that although the entire verse is translated here, it is only the first part that is cited in the variants; the remainder, as a matter of course, is left for the reader to fill in (*SmH*, *ibid.*, line 7).

3. *Shab* 23:5 and early citations of *Sm* (*SmH*, 233, line 4; cf. *SmK*, p. 16, n. b) indicate that the corpse was "anointed and washed," i. e. it was first smeared with oil to remove the dirt and then washed to cleanse it of the oil (*A. Buechler*, *KJV*, 36-54). It is difficult to understand how this practice could have been cited as a basis for the conjecture that Jews during the Hellenistic period embalmed their dead (*TA*, 1, 234, n. 244; 2, 55, n. 415, discussed by *Buechler*, *loc cit.*), a process that necessitated cutting open the body, when the Mishnah itself states: "provided that no limb of the corpse is stirred."

"sand or salt." *TH* omits "salt" and reads "clay and earth" (15d; cf. *SmH*, p. 233, line 6, and *SmK*, *ibid.*, n. d). The corpse was placed upon sand or salt in an effort to stay the rapid decomposition that would take place in a warm climate (*Shab* 23:5; cf. *ibid.*, 4:1; *Albeck*, 2, 424; *Aruch*, 5, 289, s.v. *mtn*).

Cf. the explanations given by Rabbi Aaron Berechiah, *Ma'abar Yabbok* (Wilno, 1880), p. 203. In contrast, note the custom of the Germans of placing a dying man on the ground in the belief that a person should die on the earth from which he was fashioned, cited by J. L. Zlotnik, *Maḥbarot*, published as a supplement to *Sefer ha-ittim*, ed. J. Shor (New York, 1959), p. 21.

4. See Introduction, pp. 18f.

"closed"—*me'assemim*. Cf. variants (*SmH*, 98, lines 10 and 12), and see *B. Shab* 77b, and *MLM*, 1, 281. In the reading of *A*, the Mishnaic Hebrew verb 'amaš may have been changed to conform to the Biblical idiom, 'ašam (on this tendency, see E. Y. Kutscher, *H. Yalon Jubilee Volume* [Jerusalem, 1963], p. 247, n. 7a).

"Rabbi Meir"—as a master of parable, see *Soṭ* 9:15, and cf. below, viii, 10.

5. The circumstances under which rending of clothes and baring of shoulders should take place are recorded in detail below, Chap. ix, and in *B. MḲ* 24b ff. These ancient practices, as rites of mourning, as symbols of compassion, and later, as marks of abhorrence and rejection, are discussed by Morris Jastrow, "Dust, Earth, and Ashes as Symbols of Mourning among the Ancient Hebrews," *JAOS*, 20 (1899), 133-50.

"into the house"—while the gose is there.

"until"—*ad*, erroneously omitted in *A* (*ibid.*, 99, line 14).

6. "heralding." When a person died, a trumpet, *šifora dē-šikḥa*, was sounded (*B. MḲ* 27b). The reading of *B* and *H*, *mšammē'in*, adopted in *SmH* (99, line 15), is also supported by *S*, the *editio princeps*, the citation in *HP* (p. 174), and, as Professor Lieberman has pointed out to me, is further justified on the basis of *P. Shek* 45c (see variants to the first Mishnah).

"acclaiming"—*mšannēnin*, see *H. Yalon*, *ha-Hed* (Jerusalem, 1934), 31.

"If . . . a scholar." If the goses is a scholar, he would not be alarmed when he hears people reciting his merits, for he is accustomed to public deference; but if he is in no way distinguished by reason of his superior learning, the unwonted praise might hasten his death; indeed, he may hear it as a prelude to a eulogy.

7. "Neighbors should not exchange greetings," etc.—while the deceased remains in town (TH 24d). On 'ir as village, town, or city, see *Millim*, pp. 16 ff.; cf. below, ii, 11.

Whereas Secs. 1-6 deal with laws and proper conduct relating to the goses, and Sec. 7 by way of transition concerns itself with the interval of 'āninuṭ (below, note to ii, 6), Secs. 8-13 and most of Chap. 2 take up those cases of death in which funeral rites are suspended.

8. The Sages felt that the infant in all these deliveries cannot survive, and therefore no funeral rites were to be observed (cf. below, iii, 1 and 2). As to why a baby born after an eight-month pregnancy was thought not to be viable, see HJP, pp. 76 f., nn. 240 and 244. Cf. note to ii, 10.

9. In SmH (100, line 21) the text of *A* is unnecessarily abandoned for that of the variants.

"no rites whatsoever"—i. e. funeral oration or procession (TH 27b; cf. below, note to ii, 1). In the interests of good relations, however, the Tosefta permits a eulogy for heathens (Giṭ 5:5).

"Alas, O mighty one"—*A* omits "alas" (*ibid.*, line 22).

"Alas, O faithful," etc. A parallel to the reading of *G*, "Alas, O good one! Alas, O faithful one, who ate," etc. (*ibid.* line 22), was found in a Greek inscription by Professor Lieberman, who points out that many tombstones praise the deceased for having worked hard and earned his livelihood with the labor of his own hands (GJP, p. 76 f., and n. 84).

"virtuous"—Hebrew *kēšerim*, literally "fit." Professor Wolfson suggests "virtuous" after the analogy of "woman of virtue" (Prov. 12:4, 31:10; see Targum, *ad loc.*). See also TR, 2, 148, line 26.

10. "One does not . . . slaves." In the MSS and SmH this sentence forms the conclusion to Sec. 9. What we have here, however, is a quotation (*piska*) from the Mishnah (Ber. 2:7, and B. *ad loc.* 16b), followed and illustrated by two stories, one supporting it, and the other appearing to contradict it. In the Mishnah, just as in our text, it is introduced by the relative prefix *še* which need not be translated but may be regarded as the equivalent of the Syriac prefix *de*, commonly used to introduce a quotation (Payne-Smith, p. 80; see MLM, 2, 728).

"slaves are regarded the same as cattle." Although humane treatment of slaves was enjoined (MT, XII, v, ix, 8 [YJS, 5, 281-82]), the master's relation to his slave was not that of a kinsman but that of a stranger; and although the Canaanite slave was subject to much of Jewish law (Ber 3:3; B. Ḥaḡ 4a), he would often lapse and was therefore considered to be prone to immorality (B. BB 93a).

"Tēḥi"—the name means "gazelle." For Talmudic references to this famous slave of Rabban Gamaliel, see TTA, 2, 521. As for the name of its feminine counterpart, Tēḥita, see Strack-Billerbeck, 2, 694.

"the Sage accepted condolences." P. (according to the reading in TH, 51b) questions the propriety of Rabban Gamaliel's action: "Since one does not receive



condolences for freemen who are strangers, one should certainly not receive them for slaves! It must be assumed rather that he thought of him as a son." Cf. P. Ber 2:8, 5b.

"to him: 'Master'"—this appears in *A* as an abbreviation, i.e. the letters *lameḡ* and *reḡ*, and is erroneously omitted from the text and variants of SmH (101, line 32).

"He is virtuous." On the appearance of *ḵi*, the reading of *A* (SmH, 101, line 33), in very old Baraitot, see TK, 4, 699, n. 4.

11. "Father." On "father" as a title of respect, see Millim, p. 1 f.

"Mother"—*A* adds *wē-ʾiṣṣah pēloniṭ*, "Lady So-and-so," a reading which is not supported by any of the variants and is probably erroneous (*ibid.*, 101, line 34).

"Nevertheless," etc. This is another case of an incident cited to contradict a ruling (see B. Ber 16b, and above, note to Sec. 10). GRA emends the text (undoubtedly on the basis of the Talmudic parallel, *loc. cit.*) to read "Father Ṭēbi" and "Mother Ṭēbiṭa." *A* erroneously reads *Sēbiṭa*, the letters *sameḡ* and *ṭeṭ* being easily confused in the MSS (*ibid.*, line 35).

12. "three Patriarchs"—Abraham, Isaac, and Jacob.

"four Matriarchs"—Sarah, Rebekah, Leah, and Rachel.

## Chapter II

1. This chapter treats of people who did not die a natural death, e.g. suicides or executed criminals. Among the pagans, they were referred to as the *biothanai* (cf. below, note to ii, 10), whose "embittered and revengeful souls" were greatly to be feared. We see from our text that although funeral rites were withheld from them (ii, 1 and 6), they were never denied burial. On their treatment among the pagans, see WJV, 513-15.

"no rites"—i.e. rending of clothes, baring of shoulders, and the eulogy, but he should not be denied proper shroud or burial (RAŠBA, 1, 763, 270; cf., however, WJV, 516, n. 25). According to Josephus, "the body of a suicide should be exposed unburied until sunset" (JW, 3, viii, 5, 683). On the Jewish view of suicide, see WJV, *ibid.*, n. 22; for the pagan view, see *Psyche*, p. 163, n. 33.

"whatsoever"—*bē-kol daḡar*; its omission in *A* is probably a scribal error (cf. variants, SmH, 101, line 2; above, i, 8-9; below, ii, 3-6, 8-10; RAŠBA, *ibid.*).

"misguided fool"—*nīleḥ*, so *A*; according to Professor Kutscher, this is the Hebrew version of the Aramaic *'iṣṭēli*, the passive reflexive of the root *ṣalah*, used in the Targum to translate *ṣogēḡ* and *mēṣugḡā* (Jastrow, 2, 1582). Cf., however, the variant *naṭlah* appearing in the other MSS (*ibid.*, 102, line 3; on the interchange of *ḵin* and *ṭeṭ*, see note to viii, 5). For this reading, Professor H. L. Ginsberg suggests, "one who has taken his own life." Cf. Dan. 7:4; Aḡ 4:5; Mak 3:5; SmH, *ibid.*, n. 3.

"rending of clothes," etc.—above, note to i, 5; according to Naḥmanides, only strangers rending as a sign of respect (ix, 1 and 6), are excluded, not, however, close kin (TH, 27a).

"But people should line up," etc. After the interment the mourners withdraw from the place of burial and the comforters (of whom there must be at least

ten) gather about them in concentric circles. Singly, they approach at each mourner's right and say to him, "Heaven comfort thee!" (MT, xiii, 1-2 [197-8]).

The Talmud states that the comforters used to walk by in line, but because of a quarrel that broke out between two families in Jerusalem, each demanding to be first, it was decreed that the comforters should stand in their places and that the mourners should walk by (B. Sanh 19a). A subsequent enactment in Sepphoris reversed the procedure to the older practice (cf. P. Ber 3:2, 6b).

The earlier authorities generally explain 'omēḡin baš-šurah, "standing in line," to mean, "in circles" (MT, *loc. cit.*; Rashi to B. Ber 17b). I have not been able to find any basis for this explanation in the Talmud. Perhaps the Sages instituted the circle—which has neither beginning nor end—when they reverted to the older practice in order to avoid the kind of quarrel mentioned above. On the circle as a symbol of mourning see below, note to xiv, 13; on its use in ossuaries and sarcophagi, see index to JSGRP, 1, 285.

"mourners' blessing"—was at first recited in a wide open place (B. Keṭ 8b), or in the synagogue (P. Pes 8:8, 36b), and then repeated in the mourners' house (cf. A. J. Wensinck, *Some Semitic Rites of Mourning* [Amsterdam, 1917], p. 2). For the text of this blessing according to the Babylonian tradition, see B. *ibid.*; for the Palestinian tradition and reconstruction of text, see TK (1, 49-53), where it is also pointed out that whenever the term "mourners' blessing" appears alone, it also includes the comforting of the mourners. This is further justified from Sm (x, 8; xi, 3; xii, 4; cf. variants), where we also see the term "comforting of mourners" used to include "mourners' blessing."

"The general rule," etc.—erroneously omitted in A (*ibid.*, 102, lines 6-7).

2. A is elliptic, eliminating his statement of intention, "Rather it is . . . to my death" (*ibid.*, lines 9-10).

"others see him"—climb up immediately, in anger or despair (MT, i, 11 [165-6]). On suicide by fall from roof, cf. Giṭ 6:6, Tos *ibid.* 6:9, B. Ta 29a, Keṭ 103b, and BB 3b.

"for such a person"—A reads instead "him" (*ibid.*, 103, lines 11-12). Although the translation follows the fuller text of the variants, it is not to be taken as an emendation.

3. "If a person is found"—literally, "they found him"; the variants do not record that *mašē'uhu* is the reading of A (SmH, 103, line 13), the text attempting to maintain both the Biblical and Mishnaic forms. See DLM, p. 150.

4. This Section is the basis for the ruling that the suicide of a child is never regarded as suicide (YD, 345). On the possible extension of this rule to women, because they were considered to be lightheaded—*da'tan ḡalloṭ 'alehen* (note to iii, 3)—and subject to sudden changes of emotion (note to ii, 5), see ŠP, p. 135.

"Gorgos"—on the name and its variants, see index to R. H. Charles, *The Apocrypha and Pseudepigrapha of the Old Testament* (Oxford, 1913), 2, 851, s.v. *Gorgias*.

"cast himself into a cistern"—literally, "destroyed himself in a cistern."

5. "who broke a flask"—So A. All the other MSS added the word "on the Sabbath," a reading omitted from the variants in SmH (103, line 19).

"sexual urge"—*yēṣer*; the word "libido" seems to suggest all the meanings of this term (cf. Eccl. R. 3:11). If one repels it utterly, he diminishes the population of the world. On the other hand, giving way to the impulse is bound

to lead him into sin, for he will not be able to suppress it when necessary (Rashi to B. Sanh 107b).

"hold them off . . . draw near." A proper balance must be maintained with respect to child or wife (Rashi to B. Soṭ 47a).

"To them"—to the sexual urge, a child, and a woman. The text is difficult. In an effort to justify the reading and sequence of *A*, Professor Lieberman suggests that the passions and moods of women and children change suddenly from one extreme to the other. If, on the other hand, *A* is corrupt, the correct reading must then be sought in *B*, and the most plausible sequence of rulings, in the Wilno edition. The translation of Rabbi Nathan's statement would then be: "There is no difference between silent grief and loud weeping." Just as relatives are forbidden to assume the status of *'āḥelut*, so are they forbidden to assume the status of *'āninut*. See NY.

6. Those executed by a Rabbinic court required expiation, death alone not being regarded as sufficient penance for them (B. Sanh 47b). The mortification endured when denied the rites of mourning effected this atonement for them (Rashi to *ibid.* 46b; above, note to ii, 1; below, last note to ix, 9; and cf. 2nd note to xiv, 4). Note the case of Hezekiah who reportedly dragged the remains of his father on a bed of ropes (Pes 4:9; on this text as a late addition to the Mishnah, see TYT, *ad loc.*; for parallels, see B. Sanh 47a.) On *garar* as technical term for dragging a corpse of a man subjected to *damnatio memoriae*, see WJV, 507 f., 518. Cf. the use of a mat of reeds as a burial shroud (B. Ber 18b), and as a garment for the indigent (Lev. R., 3, 27:1, 618), in both cases a state of disgrace being indicated. On its common use as a shroud among the Egyptians in pre-dynastic times, see I. E. S. Edwards, *Pyramids of Egypt* (London, 1949), p. 36. On the archeological realia see Yadin, pp. 156-58. On corpse mortification as a penance in later Rabbinic literature, see *Sefer ḥasidim*, ed. R. Margaliot (Jerusalem, 1960), p. 442, Sec. 720, n. 4. See also J. E. Hanauer, *Folk-Lore of the Holy Land* (London, 1910), pp. 100-01, and p. 134, n. 101; WJV, 530, nn. 122-24.

While B. states that those who were executed were not buried in their family tomb, P. gives the details of the *ossilegium* (note to xii, 1): "At first they were buried in ditches (*mahāmoroṭ*; cf. Ps. 140:11; below, 6th note xii, 9). After the flesh wasted away, the bones were gathered and placed in chests. On that day he (the son) mourned; on the next day he rejoiced, saying, 'They have released my father from judgment.' What is more, they were buried separately: those who were stoned with those who were burned; those who were beheaded with those who were strangled" (P. Sanh 6:12, 23d).

"greet the witnesses and the judges," etc. Rabbi Abbahu draws the following lesson: If after the adverse decree of a court of mortals, which is subject to favoritism, deception, and bribery, the relatives must come and "greet the witnesses and the judges," how much more willing should one be to accept the decree of the heavenly court whose judgments are perfect (P. Sanh 6:12, 23d; cf. below, 5th note to viii, 12).

"mourn . . . grieve"—*'āninut* is the ritual status of the mourner from the time his kin dies until the time of burial (iv, 4); *'āḥelut* is his state of mourning after burial. The Scriptural restrictions affecting *'āninut* are limited to tithes (Deut. 26:14), first fruits (Bik 2:2), and consecrated objects (B. Zeb 101b); for the restrictions enjoined by the Sages, see x, 1-3; MT, iv, 6 (174-75).

"The mourners' meal." After burial, neighbors should provide the mourners with their first meal. See below, xi, 2; xiv, 13-15. Cf. 2 Sam. 3:35; Targum Jonathan to Ezek. 24:17; Sanh 2:1; B. M<sup>Q</sup> 27b; JW, 2, i, 1, 323; TE, 8, 135 ff.

"over him whose blood has been shed"—modified to fit the context, the usual translation being *with the blood*.

"The court," etc. With respect to theme, this passage belongs with Sec. 6 (SmH, 105, line 29). Cf. B. Sanh 63a, where Rabbi 'Aqiba derives this ruling right after the ruling concerning the mourners' meal from the same Scriptural verse.

7. "to gain time." He may, however, speak to them if this causes no delay in the execution.

"frankincense"—A erroneously omits this word, and so does SmH (105, line 30). The reading is supported by all the other MSS; that it is also the reading of H is not indicated in the variants.

"to dull his suffering." After he confesses, he should be given a grain of frankincense in a cup of wine to deaden his senses and render him intoxicated (MT, XIV, 1, xiii, 2 [37-38]). In B. Sanh 43a, Prov. 31:6 is cited as the supporting verse for this practice. Cf. Matt. 27:34, and Mk 15:23.

"confession." If he does not know how to confess, he should be instructed to say, "May my death be an atonement for all my sins" (Sanh 6:2). On the necessity for confession before death for all others, see Sif Num., end of Sec. 2.

"I have sinned"—The inference is drawn from the addition of the absolute personal pronoun 'ano<sup>ki</sup>, "I," before ha<sup>ʿ</sup>ʿati, "I have sinned," thus placing added emphasis upon "I."

"my wife"—be<sup>ti</sup>, literally, "my household." Cf. Yoma 1:1; B. Shab 118b. In the necropolis of Caere, "house" is likewise synonymous with woman, the Romans having interred their female dead in house-shaped sarcophagi (Franz Altheim, *History of Roman Religion* [New York, 1937], pp. 55-57).

"Zimri"—the Sages identified him with Achan. Cf. Josh. 7:1 and 24, and see YR to B. Sanh 44b.

"But this shows." See Kim<sup>hi</sup> to 1 Chr. 2:7.

8. The term *hap-pore<sup>š</sup> mid-dar<sup>ke</sup> šibbur* (literally, "he who separates himself from the ways of the community") has been variously explained to include a variety of sinners: sectarians, apostates, blasphemers, Epicureans, Boethusians, those who revile the festivals, deny the resurrection of the dead, or assert that the Torah was not revealed (*Se<sup>der</sup> 'olam*, ed. A. Marx [Berlin, 1903], p. 9; cf. variants). The much later definition of the MAHARAM (no. 37) states merely: one who converts to another faith or violates a commandment not out of weakness but willfully, as an affront to God. For further discussion, see MV, p. 241, n. 5.

"no rites"—nor should a priest defile himself for him (below, iv, 11). Citing an incident in P. (Ter 8:5, 45c) as support, Rabbi Isaac of Vienna rules that it is forbidden even to engage in his burial (OZ, Sec. 422, p. 172). Note, however, that Rabbenu Gershom mourned fourteen days for his son who died after having been converted during a time of religious persecution. Similarly, on the baptism of a minor, see OZ, Sec. 428, p. 176; cf. *Mordecai* to M<sup>Q</sup>, Sec. 886.

"in white." From this passage it may be inferred that mourners wore black (ŠŠ, p. 70: TH, 27d). Cf. the literary cliché used in the case of priests who dressed themselves in black when they were disqualified for the priesthood, but

who put on white garments when they were found to be fit (Mid 5:4). Note, too, the final request of Rabbi Yannai, "Do not bury me in either white or black shrouds: white—lest I be found wanting and appear as a bridegroom among mourners; black—lest I be found innocent and appear as a mourner among bridegrooms" (B. Shab 114a). See also B. Yoma 39b; B. BQ 59b and Tosafot, *ad loc.*; and the Midrash cited by the ROŠ to MḲ, Sec. 84. For Greek practice, see Hastings, 4, 475a.

9. "the state"—i.e. the heathen government (Rashi to B. Sanh 47b). According to Maimonides, this would also be true in the case of the secular arm of the Jewish state (MT, i, 9 [165]; and see LM, *ad loc.*). Nevertheless, the mourners need not mourn if this would expose them to reprisals by the state (*Nimmuke Y*, MḲ, 35; cf. TH, 28a; and see REMA, YD, 345:2).

"At what point." *A* erroneously omits *me'emaṭay*, a reading supported by all the other variants (SmH, 106, line 45; and cf. line 53).

"counting . . . mourning." Mourning begins when the tomb is sealed (below, 3d note to iv, 7). Here, however, the body has not been released by the state. Cf. the case described in Sec. 10, and see Tosafot to B. Ber 18a.

"even though they may still hope to steal it"—literally, "but not of stealing it." Professor Lieberman suggests that this refers to stealing the executed man's body; the reason they did not use the time they despaired of stealing the body as the point at which to begin counting the days of mourning is that, as Sm continues, they feared the consequences of such an act. Moreover, the variants introduce this Section with the relative pronoun *ṣe*, "because" (*ibid.*, 107, line 46). For Jewish and pagan sources, see WJV, 520–21, nn. 41–51.

"shed blood," etc.—"When fleeing, they put their lives in danger, and at times came close to profaning the Sabbath and worshipping idols" (TH, 51b).

"Similarly," etc.—this is a continuation of the literary cliché, not to be found in the variants (*ibid.*, lines 48–51).

"steals past customs"—literally "steals the *meḳes* (toll)."

"*herem*"—though its exact meaning is unknown, it is clearly parallel to *meḳes*; and just as "stealing past customs" refers to not paying the tolls collected by the *moḳḥsin* (publicans), so stealing past the *herem* refers to not paying the special levy collected by the *hāramin* (Neḡ 3:4), and perhaps imposed at a time of crisis, e.g. *herum*, when normal commercial traffic was interrupted (P. *ad loc.*, 38a). See S. Lieberman and E. Kutscher, "*Hāraḡin, hāramin wē-ṭaḡarin*," *Lšō-nenu*, 27 (1963), 34–39.

10. The ancient pagan world feared the prospect of not receiving proper burial, believing that the *insepulti* "find no rest in the other life" (Cumont, p. 64). Among the Jews, too, this was considered to be a "horrible punishment" (WJV, 516, n. 16). A late Midrash, quoted by Raymond Martini (*ibid.*, 529, n. 113), takes note of the special pagan fear, apparently shared by the "Jewish masses," that if a man drowned he might not rise for the resurrection. The Messiah is quoted as saying that he will himself accept all suffering, on condition that all the dead be resurrected, "even those who were devoured by the wolves and lions, and those who were drowned in the waters of the sea and in rivers. And not only those should be saved, but even the abortions." In bringing together the pagan sources and this Midrash, Professor Lieberman demonstrates that the Messiah is, in effect, asking "for the resurrection of the *biothanati* (above, note to ii, 1),

*insepulti* (devoured by wolves and lions, drowned in water), and *ahori* (abortions, above, i, 8)" (*ibid.*, 518-19, 527-28).

From the grouping of *Halakot* in Sm, from i, 8 to ii, 10, it appears that the editor of our text was familiar with the heathen beliefs and practices of this period, and legislated in response to them.

"is swept away." HG (p. 216) reads *ṭabā'*, "is drowned"; cf. MT, i, 4 (164).

"At what point," etc.—above, note to Sec. 9.

"give up"—*A* erroneously reads "begin" (*ibid.*, line 53), a reading which finds support in neither reason nor the variants (cf. HG, *loc. cit.*).

"the greater part"—see Ohal 2:1.

"The spinal column"—on its essential use in the resurrection, see WJV, 527, n. 104.

"or the skull"—on the disjunctive use of *waw*, see below, note to iii, 1. Cf. Naz 7:2, and B. *ibid.* 52a; and see Tosafoṭ, *ad loc.*, s.v. *'iḥd'e*.

11. The survivor is bound to keep alive the disgrace to the dead, because people will say that the executed man exposed on the cross was the brother of So-and-so (see *Nimmuke Y*, *loc. cit.*). On this Roman practice of denying burial to the executed criminal, see WJV, 516, n. 25.

"as large as Antioch"—where people do not know one another (*ibid.*). On Antioch as the example of a great metropolis, see TK, 3, 352.

"How long is this forbidden?"—MT, vi, 11 (181).

"Until the flesh has wasted away"—below, xii, 7.

12. Since Sec. 11 has dealt with cases in which a change of residence is mandatory, the text in Sec. 12 digresses to similar cases. Cf. Introduction, pp. 2f.

"he . . . both"—omitted in *A*. The elliptic text is here expanded on the basis of the variants (*ibid.*, 108, line 61).

"the woman . . . should make way"—it being assumed that changing residence is a greater hardship for a man than for a woman (B. Ket 28a).

"did not remarry"—*A* erroneously omits "not" (*ibid.*, lines 62-63).

"if her former," etc.—*u-ḥē-ḳohanah*, so *A*, i.e. the wife of a priest, the term (normally *ḳohenet*; cf. variants, *ibid.*, line 62), referring either to the daughter or the wife of a priest.

"a priest"—may not marry a divorcée even if he himself is the one who had divorced her.

"Under . . . similarly"—the elliptic text of *A* is expanded in the translation on the basis of the variants (*ibid.*, line 63). Cf. the parallel in P. *ibid.*; B. Ket 27b.

"Under what circumstances"—may they not dwell in the same alley or courtyard if she has remarried or if her former husband was a priest?

"betrothal"—*'erusin*, is as binding as the marriage ceremony (*nisu'in*). While the marriage was not consummated until after *nisu'in*, if the groom wanted to dissolve the betrothal, he could do so only by way of divorce. From the parallel in P. Giṭ 8:11, 49d, we learn that in the province of Judah the parties could not live in the same place even if they were divorced after betrothal, for their marriage might have been consummated after the *'erusin* (Yeb 4:10; Ket 1:5).

"*ḥālīṣah*"—above, 2nd note to i, 1.

## Chapter III

1. "full-fledged bridegroom"—*ḥaṭan salem*, a term of endearment indicating that the infant is to be mourned as if he were fully grown. Nevertheless, unless the period of gestation was known to have been nine full months or unless the infant had lived for thirty days, mourning rites should not be observed (B. Nid 44b; *ha-Hillukim*, pp. 94-95). Even so, the term must not be taken literally, for though *ṣib'ah* and *ṣelosim* are observed, there are no public rites (below, Sec. 2); and as for the eulogy, the infant must not be regarded as fully grown even if he had lived beyond thirty days (below, Sec. 4; TH, 28a). It may be suggested that the literary formulation is specific, the text stating "to his father, mother, and all his relatives" (cf. Nid 5:3), rather than employing the cliché "no rites whatsoever may be denied him" (above, ii, 3-4, 9-10), so as to indicate that it is only the family and not the public who should participate in the rites. (On the subject, see RIBAŠ, 95, 18b; TŠ to Exod. 4:25, 8, 202. On the reported custom of circumcising the dead infant on the tomb (TYT to Nid *ibid.*), see WJV, 525-26).

"or." Although the use of *waw* as a disjunctive is infrequent in Biblical Hebrew, it is common in Mishnaic Hebrew (MLM, 2, 1062). The variants to *rubbo*, "the greater part," in Ohal 7:6 and elsewhere indicate that the *waw* is disjunctive (see Nid 3:5; ŠY, 16b).

"in terms of what generally happens"—literally, "in the present" (cf. Shab 6:6 and 9). The term "one-day-old" is used because it is more likely that a non-viable infant would live for a day than that he would die as soon as his head or the greater part of his body emerges alive.

2. "He should be carried." Professor Lieberman suggests that the *he* of *hay-voše'* is a dittography (cf. G, SmH, 109, line 5; and cf. P. Qid 4:11, 66c).

"in a kerchief"—tied around the neck (literally, "in one's bosom"); or in the fold of the garment forming a pocket against the bosom, one of the principal ways in which objects were carried (Shab 6:3). Cf. Yoma 7:1; *Acta martyrum*, cited by A. Vööbus, *Studies in the History of the Gospel Text in Syriac* (Louvain, 1951), p. 44; and see TR, 3, 90, lines 31-32.

"may be interred," etc.—and the community need not participate in the funeral (Rashi to B. Qid 80b), nor need a quorum of ten be present (MAHARAM, no. 91).

"two men." In A and G "two" erroneously appears in the feminine (*ibid.*).

"Abba Saul . . . women." Although a man must not remain secluded with two women, it is assumed that "passions have no reign at the cemetery" (P. Qid 4:11, 66c; cf. B. *ibid.*, 80b), being dispelled at a time of grief (cf. Tosafot to B. Sanh 20a; *Šittah-II*, p. 96). According to the Tosafot, the view of Abba Saul is also that of Rabbi Simeon of the Mishnah (Qid *ibid.*, top, and see GRA, *ad loc.*).

"A man may not . . . women." In the variants, this is preceded by "A woman may be alone with two men"—the assumption that a man would not act the profligate before his fellow is not made in the case of two women (SmH, 109, line 6; Rashi and Tosafot, *loc. cit.*). Women were thought to be prone to levity by the ancients: *da'tan ḥalloṭ 'alehen* (B. *ibid.*), the equivalent of *propter animi*

*levitatem* (*Remains*, 3, 445). Cf. B. Cohen, "Some Remarks on the Law of Persons in Jewish and Roman Jurisprudence," *PAAJR*, 16 (1947), p. 8, n. 19.

"a procession of men and women." Although the problem of whether women should walk before or after the bier is not discussed in Sm, it is raised in ARNB, p. 25 (cf. P. Sanh 2:4, 20b; B. *ibid.* 20a, and see Tosafot, *ad loc.*; on Greek practice, see Smith, p. 555).

"casket"—*gēloskoma* is the LXX (2 Chr. 24:8) and Targums Jerusalem and Jonathan (Gen. 50:26) translation of 'aron, "chest" or "coffin." In this context, it must refer to a small or simple casket, 'aron being used to designate the more elaborate coffin or sarcophagus (see note below).

"in outstretched arms." The variants do not record that *A* reads *wa-aḡappayim*, "and arms." With *gēloskoma* this word forms a hendiadys (*ibid.*, 110, line 9; MLM, 2, 1090). Cf. however, the parallel in B. MḲ 24b.

"months"—omitted in this and the previous sentence in *A* (*ibid.*, line 10).

"and women"—omitted in *A* (*ibid.*).

"borne on the shoulder"—omitted in *A*; with *gēloskoma* the word "shoulder" forms a hendiadys (*ibid.*). Although the words "and women" (preceding note) and "shoulder" have been included in the text on the basis of the variants, one cannot claim with certainty that their omission in *A* is a scribal error; for if the *waw* in each case is taken as a disjunctive, the text may be justified with the following translation: "An infant of thirty days to twelve months is carried out by a procession of men or women in a casket or in outstretched arms. An infant of twelve months to three years is carried out by a procession of men in a casket."

"coffin"—an 'aron may be brought to the cemetery into which the deceased child is placed for final burial (see note above).

3. "A three-year-old." The parallel reads "a twelve-month-old" (B. MḲ 24b).

"Rabbi 'Āḳiḥa says," etc. The parallel reads: "If he is one and his limbs are those of a two-year-old, he is carried out in a bier" (*ibid.*). See Tosafot, *ad loc.* "the brother." *A* erroneously reads *ben*, "the son" (*ibid.*, line 15; TTA, 3, 1155).

"publicly acclaimed"—the deceased hearing his acclamation as if from a dream (P. AZ 3:1, 42c; cf. B. Shab 152b; and see WJV, 506, nn. 1-2). On the Greek *kalos* see AA, pp. 75ff.; and note to xii, 4; cf. the reading in the parallel, *ṣahaḅ*, "to grieve publicly" (B. *ibid.*; DS, 6, 81, n. 20; TH, 28b).

"Rabbi Meir . . . rites"—its omission in *A* is a homoioteleuton (*ibid.*, lines 15-17).

"known to the community"—accustomed to leaving the house (Rashi to MḲ *ibid.*) and attending synagogue (RIṬBA, p. 128).

"Rabbi." Cf. variants (*ibid.*, line 18); on the interchange of this name with "Rabbi Judah," see MLM, 2, 1204.

"Rabbi Eleazar ben Azariah"—*ibid.*, pp. 1162 ff.

"Even if he was known only" etc.—literally "even his neighbors," i.e. the community must nevertheless attend his rites.

4. "As for a funeral oration." The parallel stating *mah hen bē-hespeḏ*, "How old must they be to warrant a eulogy?" suggests this division of the Sections (MḲ *ibid.*, and see Rashi, *ad loc.*; see NY; SmK, p. 46, n. a.).

"In the case of the poor," etc. The poor, who raise their children in hunger and thirst, starving themselves to feed them, cherish them therefore all the more



(*Nimmuke* Y to MK *ibid.*; cf. B. *ibid.*, where different sets of ages are given).

"children of Sages"—on the designation, see *Mehkarim*, 2, 58-73.

"children of royalty," etc. Naḥmanides explains this to mean that they must be eulogized in heightened terms (TH, 28b). In place of this passage, B. states: "Children of the old (because the old are not likely to have any more children) are to be treated like children of the poor" (*ibid.*).

5. "A child who knew how to manage his affairs"—i.e. was able to assume responsibility for his actions (B. Giṭ 59a; ŠŠ, p. 40).

"fathers"—i.e. his father or grandfather (cf. below, xii, 13).

"for through marriage," etc.—see B. Ket 61a for supporting verses.

"a funeral oration," etc.—see Introduction, p. 19. On literary formulation, cf. Tos Sanh 7:6, and see TR, 2, 158.

6. See Introduction, *ibid.*

"In Jerusalem." B. Shab 153a transmits this as the custom of the Galileans.

"ahead of your bier . . . behind your bier!" In Jerusalem the eulogy was given in front of the bier; in Judah, after the bier (cf. B. *ibid.*, and see Rashi *ad loc.*).

"In Judah . . . before his bier"—its omission in A is a homoioteleuton (*ibid.*, 112, lines 27-28). Note, too, that "actual works of the dead" is not the usual rendering of *dēḥaraw šel meṭ* (Tosafoṭ to B. Ber 3b, s. v. 'en 'omērim). See *Likkute*, p. 47. Cf. note to xii, 4.

7. Although the term "brother" seems to indicate an adult who is childless, and "father" one who has children (NY), it is difficult to determine the different rites followed at their funerals. It may be suggested that at the funeral of a "brother" the weeping and eulogy were heightened to indicate that the man was cut off before his time—before he could fulfill himself. For example, if between the age of thirty and forty he has children, or even if his coeval (see note below) has children, he is buried as a "father": his coeval having children proves that it was not because of an untimely death that he died childless. Similarly, if between the ages of forty and fifty he has grandchildren, or even if his coeval has grandchildren, he is buried as a "father." But if he dies without grandchildren, and his coeval has no grandchildren, then for a man of that age this is death without fulfillment, and even if he has children he is buried as a "brother." Cf. the pagan epitaph cited in WJV, 525, nn. 83-84. Cf., however, ŠŠ (p. 40): "In the case of a twenty-year-old, acclamations should accompany his bier; a forty-year-old should be carried out as a bridegroom; a seventy-year-old should be carried out as a father, not as a bridegroom."

"twenty"—so A; the variants read "three" (*ibid.*, line 31).

"bridegroom"—below, viii, 2; Introduction, pp. 14f.

"coeval"—*ben gilo*, i.e. someone born under identical astrological influences (*Aruch*, 2, 277; Rashi to B. Ket 27b; ROŠ and RAN to B. Neḥ 39b). It has also been suggested that this may refer to "one of his circle," i.e. a close associate (Ruth R. 2:8, p. 8, and see RDL, *ad loc.*); Professor H. L. Ginsberg suggests that this may be the meaning of the hapaxlegomenon in Dan. 1:10. Note, too, the reading of the variants, *roḥ bēne gilo*, "most folks his age" (that this is the reading of H is not recorded in SmH, *ibid.*, line 33).

"From the age of forty . . . brother"—its omission in A is a homoioteleuton (*ibid.*, line 34). If the above reading of A ("coeval") is correct, then its missing text, in maintaining the parallelism, must also read *ben gilo*.

8. Whereas this Section describes death at these ages, Ab 5:21, in a similar listing of the "ages of man," gives a description of life, and continues with an account of life at ninety and a hundred.

"cut down before his time"—*kareṭ*, divine excision, in contrast to execution by a court (Meḡ 1:5; Albeck, 5, 243, nn. 1-2). For supporting verses see P. Bik 2:1, 64c; and see Tosafot to MḲ 28a, s.v. *meṭ*. As to how the penalty of *kareṭ* is more severe than *miṭah biyde šamayim*, literally "death by the hands of heaven" (Sanh 9:6; 11:5; Tos Sanh, 10:3; 14:16; Tos Mak 5:16), see the discussion in *Tiferet Yisra'el* to Sanh 9:6.

"At the age of fifty-two," etc. According to one Sage, death between the ages of fifty and sixty is *kareṭ*, and it is only in deference to the prophet Samuel that this is not said (B. MḲ *ibid.*; P. *ibid.*; Tosafot to B. Ta 5b, top).

"the death of which Scripture speaks"—so P. *ibid.* Cf. B. *ibid.* which erroneously reads *miṭah biyde šamayim* (see preceding note); and see DS, 6, 101, n 300; Rabbenu Ḥananeel, *ad loc.*; Tosafot, *ad loc.*

"in ripe age"—*bē-ḡelāḥ*. By adding the numerical value of its letters, the Sages arrive at the number sixty: *bet*, 2; *kaf*, 20; *lamed*, 30; *het*, 8 (B. *ibid.*; HJP, p. 69, n. 174). In P. the generation of the wilderness is cited as proof that death at sixty is the one of which Scripture speaks (*loc. cit.*).

"divine love"—*ḥibbah*, so P. *ibid.* The reading of B. *ibid.* and Rabbenu Ḥananeel is *šebah*, "venerable age." See RSBH, p. 131; cf. Ab *ibid.*

"strength"—so B. (*ibid.*; Aruch, 2, 230). P. reads *ziḡnah*, "old age"; on the distinction between *ziḡnah* and *šebah* see Gen. R., ed. Theodor (Berlin, 1914), 2, 632, n. 1.

"can I discern between good and bad?" The verse is better suited to the reading *ziḡnah* (NY), or, as Professor Dimitrovsky suggests, perhaps as a support to the conclusion of this ruling: "After eighty, life is anguish" (See PM to P. *ibid.*).

9. Sudden death is regarded as calamitous because it does not afford sufficient time for a man to set his house in order and repent (*Mēnorat*, 3, 61). Moreover, an illness of several days enables the family to gather from afar so as to be with the dying man (Gen. R., 718, n. 1; cf. Rashi to B. Sanh 107b, s.v. *bē'a'*). See P. *ibid.*; B. *ibid.*; MTeh, p. 219, nn. 34-36 (YJS, 13:1, 362); SmH (113, n. 42). Cf., however, Pliny (2, Bk. 7, Sec. 180, 627), who describes sudden death as *summa vitae felicitas*, "life's supreme happiness."

"on the first day"—on the inseparable preposition *lamed*, indicating the same day, cf. Shab 19:5, and see DLM, p. 167.

"death by plague." For supporting Midrash, see P. and MTeh, *loc. cit.* Cf. B. *ibid.*, where the term "plague" is also applied to death on the first day of illness.

"thrust to death"—*dēḥufah*. The Tosafot admit their inability to explain how this term differs from *ḥāṭufah*, "snatched" (MḲ *ibid.*), or why either of them were applied to their respective number of days. See RAN, p. 76, bottom.

"death of which Scripture speaks." P. reads *derek 'ereṣ*, i.e. "a death that is the way of the world." B. *ibid.*, on the other hand, does not continue beyond the fifth day.

"divine love." Note that MTeh *ibid.* has a printer's error for *ḥibbah*, and as a consequence the term has been erroneously translated (YJS, *ibid.*, and n. 14). Cf. Warsaw ed., 1875; P. *ibid.*

"After this"—if his illness lasts beyond a week.

10. The omission of Sec. 10 in *A* is probably a homoioteleuton (SmH, 114, lines 45-48).

"abdominal fat"—Lev. 3:17.

"cut down before his time"—above, note to Sec. 8.

"What tells us," etc. Even if one reaches old age, avoiding an untimely death, "kareṭ of years," he is still subject to sudden death, "kareṭ of days." When Rab Joseph turned sixty he celebrated that day because he had avoided kareṭ. Said Abaye to him: "Granted, you have escaped kareṭ of years; but have you also escaped kareṭ of days?" (B. MḲ *ibid.*).

"If one dies on the third day," etc. According to one Sage, death on any of the first three days of illness is kareṭ (P. and MTeh *ibid.*).

11. The *Hāsīdīm*, "pious ones," are not to be identified with the Essenes, a sect that would not have been looked upon as a model of behavior by the Pharisees. See Soṭ 9:15.

"said"—*amar*, is omitted in *A* (*ibid.*, line 49).

"intestinal illness"—an affliction common to the priests (Sheḳ 5:1; see P. *ad loc.*, ed. A. Schreiber [New York, 1954], p. 57). The Talmud may be alluding to our text when it states that if a man dies of this illness, it is a "good omen," this being the cause of death of most righteous men (B. Ket 103b; cf. B. Shab 118b).

"wholly purged." Cf. ARN, 1:1 (YJS, 10, 3).

#### Chapter IV

1. Although contact with a corpse defiles (Num. 19:11 ff.), the priest must attend the burial of his close kin (Lev. 21: 1-4; Ezek. 44:25; below, Sec. 6).

NY terms this Section corrupt, and so does SmH, who emends on the basis of the parallel: "... a priest must defile himself, an Israelite mourns; a priest must ... ." (p. 115, n. 2; cf. SmK, p. 54, n. 3; P. MḲ 3:5, 82d; B. MḲ 20b). Sm, however, makes excellent sense without emendation. Moreover, whereas the parallels occur in a context of laws that also concern the Israelite, this Section heads a Chapter that deals exclusively with the priest.

Note that instead of "in the Torah," *A* reads an abbreviation for "in *Toraṭ kōhanim*" (*ibid.*, line 2), i.e. Lev. (MLT, p. 645; cf. parallels); note too that *G*'s repetition of "priest," not recorded in the variants, is a reading that could support *A* or be merely a dittography. In any case, the translation should not be taken as an emendation.

"his wife." Unlike the other members of his family, she is not explicitly mentioned in Scripture, the term *šē'ero*, "his kin," being taken to allude to her (Lev. 21:1; Sif 93c). See MT, ii, 1 and 7, and iii, 1 (166 and 170), and KM, *ad loc.*; cf., however, *Ant*, 3, xii, 2, 453.

"Rabbi 'Āqīḇa." *G* reads: "Rabbi Judah" (SmH, 116, line 4).

"kin once removed from them"—his grandfather, grandson, or nephew (Rashi to B. MḲ 20b; cf. Tosafot, *ad loc.*).

"mourn . . . grieve"—above, note to ii. 6. *A* erroneously reads "mourn" in the plural (*ibid.*).

"Rabbi Simeon"—so *A* and *G* (without the patronymic ben Yoḥai); the other variants read: "Rabbi Simeon ben Eleazar" (*ibid.*).

"Only . . . grandchild"—literally, "A grandparent or a grandchild," not a niece or nephew (NY interprets this as either an explanation or a limitation of Rabbi 'Aqiba's view). On *A*'s reading: "his mother's father" (*ibid.*, line 5), see Tosafot, B. M $\ddot{K}$  20b, *s.v.* 'al 'abi.

"The priest should join," etc. The Talmud explains: While Rabbi 'Aqiba said that for relatives of the second degree mourning is mandatory at all times, the Sages argue that only in the presence of close kin is it necessary to take on the rites of mourning, e.g. a husband joins his wife in mourning for her father, but only in the presence of his wife (B. M $\ddot{K}$  20b; MT, ii, 4 [166]); this rule was not followed by the later codifiers (KM, *ad loc.*).

The reading of *A*, 'alaw, "for him," appearing twice for 'immo, "with him," is probably a scribal error (*ibid.*, line 6).

2. A priest should defile himself only in cases of certain, not doubtful, kinship (Sif 94a). The classic example of doubtful kinship is the case of infants mistakenly interchanged soon after birth, or that of a woman who remarried without waiting the required three months, so that it is not known whether the child subsequently born to her is the son of her first husband, after a gestation of nine months, or the son of her second husband, after seven months (Yeb 11:4 and 6-7).

3. On "betrothal," see above, note to ii, 12. In Sif 93c the phrase *that is near unto him* (Lev. 21:2) is interpreted to show that a priest must not defile himself for a woman that is either betrothed to him or divorced from him. As for the one betrothed to him, B. states: "He should neither grieve nor defile himself; similarly, she should neither grieve nor defile herself for him." Although the word "mourning" is omitted in B., the text should nevertheless be understood as if it were included (B. Yeb 29b; MT, ii, 3 [166], and see KM, *ad loc.*).

4. Lev. 21:7 and 14; Ezek. 44:22; Yeb 2:4, 6:4; cf. *Against Apion*, 1, 7, 175; *Ant.*, 3, xii, 2, 451-52.

"the priest . . . but not defile himself"—because a man should not defile himself for a wife who is not suited to him (B. Yeb 22b). On the other hand, the Tosefta (Erfurt MS) states that she is considered to be his wife in every respect and that he must defile himself for her (Tos Yeb 2:3, and cf. variants, p. 242, line 25). For the citations found in the early commentators and discussion, see TR, *ad loc.*, 2, 18.

"What is the interval," etc.—above, 4th note to ii, 6. In the other MSS this discussion, along with Sec. 2, appears after Sec. 11 (SmH, 120, line 44).

"So Rabbi Meir"—*kē-dibre*, literally, "according to the words of" (MLM, 1, 403). In the parallels this ruling is cited in the name of Rabbi, i.e. Judah the Prince (B. Zeb 100b; P. Pes 8:8, 36b; MLM, 2, 1162 and 1203).

"more than a single day"—even though the burial may take place several days later.

5. On the interchange of names in this Section, see MLM, 1, 136-37; and see n. 2, where it is claimed that Higger neglected to cite the parallel in P. It should be noted that at no time does he cite the parallels in his variants; he does, however, mention them in the notes and discuss them briefly in his introduction (SmH, p. 116, n. 9, and p. 27).

"The priest"—literally "he"; the common priest must not defile himself for a married sister (Lev. 21:3). As for one who is betrothed, the Sages disagree: some interpret *that is near unto him* to include the betrothed sister, others interpret *that hath no husband* to exclude her (B. Yeb 60a; cf. P. Yeb 6:4, 7c).

"sister . . . injured"—*mukkaṭ 'eṣ*, literally "struck by a splinter of wood." Some Sages take the phrase *that has no husband* to include the case of mukkaṭ 'eṣ, others see its exclusion in the words *for his sister, a virgin* (Lev. *ibid.*; Yeb 6:4).

"a sister who had been raped or seduced." The phrase *for his sister, a virgin* is expounded to exclude these cases also (B. Yeb *ibid.*; cf. P. *ibid.*).

"come of age"—*boğereṭ*, a girl who has reached the age of twelve and a half years and one day (TE, 2, 377-79; cf., however, Yeb 6:4, where the Sages argue as to whether a High Priest may marry a boğereṭ, and see B. and P. *ad loc.*).

"fit for a High Priest"—i.e. fit to be his wife. This rule is justified only according to the view that a boğereṭ is permitted to marry a High Priest, the view of Rabbi Simeon and Rabbi Eleazar in the Mishnah (Yeb *ibid.*). Indeed, *G*, the *editio princeps*, and the parallel in B. Yeb 60a transmit this rule in the name of Rabbi Simeon. The variants do not indicate that this is also the reading of *B* and *H* (SmH, *ibid.*, line 17).

6. See above, Sec. 1.

"it is mandatory"—it is a commandment. If he refuses, he is defiled by force (B. Zeb 100a; MT, ii, 6 [167]). Cf., however, Sif 45a, and see RABAD, *ad loc.*; see also SmH, p. 27.

"Rabbi Simeon"—in the parallel, "Rabbi Ishmael" (B. *ibid.*).

"Rabbi Judah"—in the parallel, "Rabbi 'Āḳiḇa" (*ibid.*). By citing a precedent, he strengthens the view of the first authority.

"Joseph the Priest"—TTA, 2, 754b.

"he did not want to defile himself"—so as not to become disqualified from bringing the Passover sacrifice (Num. 9:6).

"against his will"—forcing him to take part in her funeral. See HG, p. 218, and see MT, ii, 7 (167). Cf. the case of the priest Rabbi Zē'ira, who was forced to defile himself at the death of the Naṣi' (P. Ber. 3:1, 6a).

7. The "boulder" (*golel*) probably first referred to a large stone, naturally round or chiseled in the shape of a wheel, like the *golel* sealing the tomb of Herod in Jerusalem, and then took on the generic meaning of any object placed as a seal over the opening of a tomb, e.g. a barrel, a beam, or even a bound animal (Ohal 2:4, 15:8-9; Er 1:7; B. Hūl 72a; for the controversy between Rashi and Rabbenu Tam on the term, see Tosafoṭ to B. Ber 19b, top, and parallels).

"for her"—*lah*; the reading of all the MSS is unnecessarily emended in SmH to *lahem*, "for them." Following Sec. 6, "for her" refers to the priest's wife, and to be sure, once it applies to his wife, it also applies to other close kin. That this is also the reading of *G* is not recorded in the variants (p. 118, line 23).

"Until the tomb is sealed"—literally "until the rolling stone is sealed over (the tomb)." Since the law follows this view, Nahmanides concludes that so long as the tomb remains unsealed, the priest may defile himself by touching the corpse, whether it is warranted or unwarranted (TH, 45d).

"It happened," etc. The cases cited support Rabbi Ṭarfon's view. See Introduction, pp. 7f.

"from Galilee"—a reading supported by the MSS, erroneously omitted from *A* (*ibid.*, line 25).

"by touching the boulder"—literally "by the boulder." Thinking it mandatory

that he defile himself (above, Sec. 6), he sought to fulfill this obligation by touching the boulder. On *golei* as a source of defilement, see Ohal, Er, and Hül, *ibid.*

"so that he may look"—mere looking at a corpse does not cause defilement (cf. below, note to Sec. 12); according to the Romans, however, a person could become defiled by the mere sight of a corpse (Cumont, p. 64). See WJV, 519, n. 39; and cf. Julian, 3, 194.

"child." Cf. the case of the minor who sold his property and then died (B. BB 154a). On gifts by a minor, see R. Yaron, *Gifts in Contemplation of Death in Jewish and Roman Law* (Oxford, 1960), pp. 141-46.

"Let him be exhumed"—literally "examined," to determine if he was pubescent. If two hairs had not appeared, his gift was made by a minor, and therefore to no effect.

"may not be stirred"—this being a desecration of the dead (B. BB *ibid.*). Cf. below, xiii, 5-7; and see Kimhi to 1 Sam. 28:15.

"the hair has undergone a change"—and an examination would, therefore, be inconclusive. Cf. Tosafoṭ, to B. BB *ibid.*

8. The priest must not say, "Since I am already defiled, I will myself engage in the *ossilegium* of So-and-so" (Sif 94a; see below, note to xii, 1). Furthermore, he must be careful to inter his dead at the edge of the cemetery, so as not to become defiled by the graves of others (*Midraš hag-Gadol, Leviticus*, ed. E. N. Rabinowitz [New York, 1932], p. 528, lines 4-5). Cf. MT, ii, 15 (169), and see KM, *ad loc.*

NY attributes this Section to Rabbi Tarfon (below, Sec. 10). It may, however, also be the view of Rabbi 'Aqiba, for these sages argue only whether or not a penalty is incurred (below, 5th note to Sec. 10, and see ŠY, 17d).

"do so"—literally "defile himself."

"are present"—in sufficient numbers (see variants, SmH, 119, line 32, and cf. below, vi, 4). See Introduction, p. 23.

"If, however," etc.—then this is like the case of a *meṭ mišwah* (see Introduction, *ibid.*).

"Should others arrive." The reading of *A*, *u-ḥa'*, "and came," is difficult; the other MSS read "if enough pallbearers and those who inter the dead arrive" (*ibid.*, lines 33-34), an excellent reading supported by *S* and the *editio princeps*. Nevertheless, the text of *A* need not be abandoned. If the conjunctive *waw* of the following word, *u-ferāš*, "and withdraw," is joined to the end of the previous word *u-ḥa'*, the text would then read *u-ḥa'u*, "and they (or others) came," which yields the same sense. Moreover, the word *keḏe*, "enough," appearing in lines 32 and 33 of the variants, does not occur in *A*. Since it is part of a literary cliché, an emendation introducing it in only one line in a text would clearly upset the parallelism.

9. Great is the honor due the public—for its sake a prohibitive commandment is temporarily suspended (P. Ber 3:1, 6b; cf. B. Ber 19b; and see HH, p. 28, n. 6). Cf. Introduction, p. 21, n. 102.

"defiled"—because a corpse is buried there.

"he should walk along with them"—i.e. the priest who is one of the mourners.

10. "the priest may assist in the burial of others"—literally "he receives from others and buries." Since the openings to the different sections of a tomb were

often (e.g. in the tombs at Sanhedria in Jerusalem) only large enough for one person to crawl through, the bier had to be passed along. A phrase like "he receives from others" is actually descriptive of the interment, just as the statement "pallbearers and their relays and those who replace their relays" (Ber 3:1) is descriptive of the funeral procession.

"so long as he stands inside the tomb"—he is, like the corpse itself, a source of maximal defilement (TH, 44a).

"Once he withdraws"—his defilement is reduced one degree. Should he then return, he adds to his defilement and incurs a penalty (*ibid.*).

"He incurs a penalty"—stripes, provided he had been given proper warning.

"He does not." Although the priest averts a penalty, Rabbi 'Aqiba would nevertheless agree that he is forbidden to defile himself again. (Cf., however, TH, 44b).

"he has invalidated the first day of counting"—literally "he subverts one day," and must begin again counting seven days of purification (Num. 19:11-14; cf. *ibid.* 6:9-12, and Naz 7:3).

11. The *Nētinim* are the descendants of the Gibeonites whom Joshua made "hewers of wood and drawers of water" (Josh. 9:27; B. Ket 29a, and see Tosafot, *ad loc.*, top). Marriage with them was forbidden, and if a priest did marry a *Nētinah* or bastard (*mamzer*, Deut. 23:3; Yeb 4:13), his children were disqualified for the priesthood, the rule being that the descent of the child of an improper marriage is traced to the defective parent (Yeb 2:4; 8:3; Kid 3:12; 4:1).

"should defile himself"—*A* erroneously transmits the verb in the plural (SmH, 120, line 42).

"his brother and sister," etc.—i. e. his half-brother or half-sister born after his father's marriage to a *Nētinah* or bastard.

"other alien source"—*mim-ma'qom 'aḥer*, literally "from some other place," an obscure phrase that may refer to an apostate (NY); the term does not occur in the RIF and ROŠ, and is omitted by the GRA. Cf. ŠP, p. 138.

12. The Sages argue whether or not a High Priest may, even at a distance, follow the funeral procession of close kin (Sanh 2:1; and see Rashi, *ad loc.*, RABAD to Sif 94d). Cf. above, 7th note to Sec. 7. See Introduction, p. 21.

"lets his hair grow," etc.—Lev. 21:10; Hor 3:4-5. The High Priest was required to cut his hair once a week (B. Sanh 22b).

"forty lashes"—in effect "forty less one," the number of stripes Biblically enjoined. Note that he is flogged only if he can survive his punishment; not so with "lashes of correction" (*maḥḳuṭ mardut*), in which case he is flogged into submission (Tos Mak 4:17).

"Nazirite"—Num. 6:1-21; Naz 7:2; below, vii, 20.

"should receive . . . head"—a homoioteleuton in *A* (*ibid.*, lines 46-47). See Naz 7:3 for those cases of defilement for which the Nazirite need not shave his head.

"whenever a Nazirite," etc. Rabbenu Tam terms this text corrupt, since there are bases of defilement for which the Nazirite need not cut his hair, and still the High Priest would receive stripes (Tosafot to Ber 19b). Moreover, the clause that follows in the parallel is difficult: "but a common priest who defiles himself for other dead . . ." Why the word "but" if they both receive stripes (Tos *ibid.*; see following Section)?

The correct explanation is given in the 'Or Sameah to MT, iii, 2: The higher degree of holiness of a High Priest over a common priest is not greater than the holiness of a Nazirite. Hence when a High Priest defiles himself for his close kin, he is guilty of defiling the office of High Priesthood only, for if he were a common priest he would be obligated to defile himself for close kin. A penalty is, therefore, incurred only if he defiles himself in such a way that were he a Nazirite, he would be obligated to cut his hair. If, on the other hand, he becomes unclean with a defilement for which a Nazirite is not obligated to cut his hair, he has not desecrated the office of High Priesthood, and, like a common priest, is permitted to defile himself for close kin. I am grateful to Professor Lieberman for directing my attention to this explanation (See TR, 2, 169).

13. "common priest"—so *A*; the variants erroneously read "High Priest" (*ibid.*, 121, line 48; see preceding note).

"who has defiled himself"—for strangers.

"dwelling of heathens"—i.e. occupied by a heathen for at least forty days. Such a place is considered to be defiled unless a careful search is made, because of the possibility that the fetus of an abortive birth was disposed of in the area (Ohal 18:7-10).

"an area inhabited by heathens"—settled by them within the boundaries of Israel (for discussion, see the ROŠ to Miš 8:1; and TE, 2, 229).

"an area of a plowed-up grave"—*bet hap-pēras*, an area covering a hundred square cubits from the place of the grave (Ohal 17:1, 18:2-5; B. Miš 5b; for discussion, see TE, 3, 250).

"Land of Israel." The Sages decreed that because the heathens are not careful with their dead, burying them everywhere, land outside of Palestine must be considered defiled (B. Shab 14b; TE, 2, 196).

"flogged into submission"—above, note to Sec. 12.

"all traces of a grave are lost"—literally, "a lost grave."

"unless he traverses the whole of it"—there is doubt whether he might have stepped on the grave.

14. Although a priest who violates a Rabbinic decree is flogged into submission, he incurs no penalty if he does so in order to fulfill a Biblical commandment (e.g. to study Torah or to marry), or even to honor his fellow man, e.g. to comfort a mourner or to pay homage to a king (above, note to Sec. 9; MT, iii, 14 [173], and see RADBAZ, *ad loc.*).

"to sanctify the new moon or to intercalate the year"—Sanh 1:2; Tos *ibid.* 2:1; P. *ibid.* 1:2, 18c; B. *ibid.* 10b; for further study, see S. Gandz, *The Sanctification of the New Moon* (YJS, 11), Introduction.

"lawyer"—*rhetor*, the Roman advocate (see S. Lieberman, "Roman Legal Institutions in Early Rabbinics and in the Acta Martyrum," JQR, 35 [1944/45], 27; G. Schulz, *History of Roman Legal Science* [Oxford, 1953], p. 268 and n. 1). *A* reads *liṭol* (SmH, 121, line 53), and so P. Ber 3:1, 6a (cf., however, parallel, P. Naz 6:1, 56a; and see HH, p. 27). On the interchange of the letters *lamed* and *reš*, see MLM, 2, 1228.

"contest a claim"—for someone else (TK, 5, 1242, nn. 42-44).

"to take a wife"—only if he has been assured of getting one (P. Ber *ibid.*).

"He may go abroad"—literally, "He may defile himself."

"Rabbi Jose"—so justifiably emended (on the basis of the parallels) in SmH, *ibid.*, n. 55. *A* has the letter *reš*, the normal abbreviation for Rabbi Judah the



Prince. It may also be suggested that the name "Rabbi Jose" below (*ibid.*, 122, line 57) is an instance of the same scribal error (an interchange of names), and that the reading there should be *rabbo*, "his teacher." See TTA, 2, 754d.

"able to learn"—not all teachers have their subject so well ordered in their own minds as to be able to teach in a precise manner (Rashi to B. Er 47b). Cf. also *Nimmuke* Y, where it is stated that because one is not able to learn from every man, the Talmud (B. M $\ddot{Q}$  10a) requires that a teacher should follow his disciple, who is an unintentional slayer, to a city of refuge (RIF, *ad loc.*).

"Joseph the Priest"—so the reading of the parallels (*ibid.*, n. 52), and perhaps the same Sage cited in Sec. 6. *A* and the other MSS read *hab-Babli*, "the Babylonian," which may be a corruption of *hak-kohen*, "the Priest." Moreover, Joseph the Babylonian, who is known by many names, is never mentioned as a priest (P. B $\ddot{Q}$  3:7, 3d; B. Pes 113b).

"his master"—so emended (see note above).

15. The variants and parallels indicate that *A* is elliptic (*ibid.*, lines 58–59; Sif 94a; P. Naz 7:1, 55d; B. *ibid.* 43b; cf. MT, ii, 14 [169], and KM, *ad loc.*).

"deceased father"—literally "father" (see NY).

"gangrenous swelling"—the Greek *nomē*, Preuss, p. 223.

"Joseph ben Piškan"—was a priest. Cf. variants (*ibid.*, line 59), and see TTA, 2, 753a.

"leg"—so *E* (SmK, 70, n. 3). The other MSS read "legs" (SmH, *ibid.*, line 59; cf. P. *ibid.*; B. AZ 10b).

"He called . . . Nəḥoniah," etc.—ordering him to leave the house, because a limb from a living person causes tent defilement (above, 7th note to i, 1). For a striking parallel to this kind of devotion to the law, involving the limb of a living person, cf. Ker 3:8.

"for it is of such a case." The translation is in keeping with the text of the variants. *A*, reading *mik-kan*, seems to indicate that *as a result* of this incident, the Sages ruled: "A man should not . . ." (*ibid.*, line 62).

"My soul," etc. Although he was near death, he remembered to instruct his son in the law (NY).

"There is a righteous man"—whose righteousness remains with him, though he perish (P. *ibid.*).

16. See Introduction, pp. 21f.

"Whenever he did call out"—i.e. the priest (MT, iii, 8 [172]). On the other hand, "he" is also explained as referring to the corpse, i.e. if the deceased could have cried out and others would have responded, then this is not a *meḥ miswah* (Tosafot to B. Naz 43b; for the practical difference between the interpretations, see ROŠ, *ad loc.*).

"townspeople." The omission in *A* of *ha-'ir*, "the town," is a scribal error (*ibid.*, 123, line 67).

"Rabbi"—above, 7th note to iii, 3, and 4th note to iv, 4.

"until enough pallbearers." Cf. P. Naz 7:1, 56a, where it is also required that the priest remain, unless there are sufficient relays present to relieve the pallbearers. Similarly, for a great scholar or other distinguished person, in which case no limits are set for the number of people required, the priest must also remain and defile himself (above, last note to Sec. 6; and see TH, 42c).

17. *A* adds *Nafī'*; the original reading of Sm may have been: "Everyone must

defile himself—a High Priest, a Nazirite, and a Naši'." See variants, *ibid.*, line 71; TH, 43a. In all other cases the High Priest and the Nazirite are forbidden to defile themselves even for close kin (Lev. 21:11; Num. 6:7; Naz 7:1; *Ant.*, 3, vii, 2, 453).

"must bring a sacrifice"—Num. 6:9 ff.; Naz 6:6.

"from his mother's womb." While the priest is sanctified at birth, the Nazirite, except for the case of Samson, assumes his vow (Judg. 13:5; Naz 1:2; Albeck, 3, 189 ff.).

"the holiness of the one is for a lifetime." The parallel in Naz 7:1 reads "forever," i.e. for himself and his descendants.

"High Priest . . . Multigarbed Priest." In this context, High Priest must refer to the *mašiah*, the "anointed" High Priest, in contrast to the Multigarbed Priest (cf. B. Naz 47a). While the former was anointed with oil, the latter, who held his office after the anointing oil had been "hidden," was distinguished by the eight vestments (Yoma 7:5; cf. Hor 3:4; Rashi to B. Naz 47b, top). The omission of *gaḏol*, "High," in SmH is probably a printer's error, as the word appears in all the MSS (p. 124, line 75).

"Deputy High Priest"—*mēmunneh*, also called *sēgan* (B. Sanh 19a). In case the High Priest was disqualified because of some ritual defect, the *sēgan* officiated in his place (B. Naz 47b), specifically on the Day of Atonement (TYT to Sanh 2:1).

"Temporary High Priest"—a *mēmunneh* who has served as High Priest. In order to avoid ill feeling, he could not officiate again as High Priest; nor, because of the rule "We raise to higher sanctity, but do not degrade" (cf. above, iii, 5), was he permitted to serve as a common priest (B. Yoma 12b; Naz *ibid.*).

"chaplain"—literally "one anointed for war" (Deut. 20:2 ff.; Soṭ 8:1). The only difference between him and the *sēgan*, the Talmud stresses, is that it is the chaplain, rather than the *sēgan*, who must defile himself for the *meṭ mišwah*. On the other hand, if the life of only one of them can be saved, he takes precedence (B. Naz 47b).

"Levite . . . Israelite." Since the destruction of the Temple, their status is the same with respect to defilement. This ruling, however, was made when the Levites took part in the Temple service. If the Levite was defiled, he could not participate in the chorus (P. Naz 7:1, 56b).

18. "If the *meṭ mišwah* is found lying"—literally "if they found him," i.e. on a road outside the city limits. In order to prevent travelers who eat their food in Levitical purity from becoming defiled, the corpse may be moved and buried in the field in which the owner would suffer the least loss (B. Er 17b, and see Rashi, *ad loc.*). For other cases, however, the "stipulation of Joshua" is in effect: "The *meṭ mišwah* acquires his immediate area for burial" (B. BQ 81b).

"orchard . . . vineyard," etc. While this ruling is presented in Sm without controversy, the parallel transmits conflicting Tannaitic traditions (P. *ibid.*).

"vineyard"—*kerem*, so emended in SmH (*ibid.*, line 83; the MSS erroneously read *peras*; cf. P. *ibid.*, 56d).

"nearer . . . close by"—*kēroḇah* . . . *kēroḇot*; a metathesis for each word is recorded in A (*ibid.*, line 84).

19. See Introduction, p. 22.

"I carried him"—literally "I cared for him."

"Sabbath limits"—each equal to two thousand cubits in all directions from a town, the distance one is permitted to walk on the Sabbath (Rashi to Exod. 16:29; on the subject, see Albeck, 2, 77 ff.). The parallel reads "four miles" (P. *ibid.*, 56a).

"excitedly declared"—literally "stormed." The reading of the variant, *hirṣeṭi*, "recounted," should be noted, as it is part of a literary cliché frequently employed by Rabbi Aḳiḳa and other Sages: "When I came and recounted the matter before . . ." (Yeb 16:7; Naz 6:7, and elsewhere).

"the Sages"—the names are supplied by the parallel: "Rabbi Eliezer and Rabbi Joshua" (P. *ibid.*).

"how much more so!" From that moment on, he always attended the Sages, saying: "Whosoever does not attend them is deserving of death" (P. *ibid.*).

"began to acquire merit"—i.e. because of this incident, he began ministering to the Sages, which for him was the beginning of *zēḳuṭ*, "merit."

## Chapter V

1. The verse *I will turn your festivals into mourning* (Amos 8:10) is expounded to teach that "as the festival lasts seven days, so mourning lasts seven days"; and similarly, "as labor is forbidden during the festival, so is it forbidden during mourning" (B. MḲ 16b and 20a). See P. MḲ 3:5, 82c, and below, vi, 6.

SmH unwarrantedly abandons *A* in two places (126, lines 2 and 3).

"sons . . . daughters"—who are supported by their father, and whatever they produce belongs, therefore, to him (TH, 53d). If, on the other hand, they support themselves, they are in the category of strangers who may work for a mourner in matters involving irreparable loss (below, Sec. 2). Cf. the case and literary formulation in Exod. 20:10, and see Mēḳilta (ed. J. Lauterbach, Philadelphia, 1949), 2, 254.

"his slaves," etc.—unlike his children, they are always considered to be an extension of his own person (B. BM 96a, bottom).

"his cattle." As in the case of the Sabbath, so here, albeit as an injunction of the Sages, one is obligated to keep his animals from work while he is in mourning (Exod. *ibid.*; B. MḲ 11b, and Rashi, *ad loc.*, s.v. *paskeh*).

"others"—i.e. strangers who are not members of his household.

2. On irreparable loss, see TE, 6, 537-42; and see *Kēle*, p. 149, on the sealing process. Cf. below, note to Sec. 4.

"jugs"—*ḥaḥiṭ*, an earthenware vessel, generally identified with the classical amphora (*Kēle*, p. 118); it could also be made of metal, stone, and even wood. On its many uses in Rabbinic literature, see *ibid.*, pp. 111-73.

3. "tossed olives." After they are gathered in vats, the olives are turned over so that they might ripen evenly. If the oil is not then removed from the pulp, they turn rancid (EB, "Olive Oil," 16, 309).

"One may . . . press"—literally "load the first beam," i.e. with weights, so that it will exert a greater pressure on the olives (Y. Brand, "*Beṭ hab-baḏ*," *Sinai* 12 [1943], 309).

"so let it be completed at once"—literally "let him finish." The remaining oil will turn rancid unless the process is completed with additional pressings. MḲ

2:1 and 2 serve as a definition in Sm of what is considered to be irreparable loss. The reasoning—albeit with respect to work during the intermediate days of the festival—is supplied by P. MḲ 2:1 81a: while Rabbi Judah states that a slight loss should be suffered, Rabbi Jose maintains that no loss at all need be suffered. Note that P. is inconclusive in its attempt to prove that the same controversy also holds true for mourning; Sm, on the other hand, accepts that it does, by rephrasing the cases so that they apply solely to mourning (Secs. 2 and 3).

In B. MḲ 11b the Sages differ as to whether a mourner may himself work in order to prevent an irreparable loss in an area where no help is available. Sm, however, as Professor Lieberman points out to me, deals with a normal situation in which unskilled labor is available, and is not concerned with the question of what is to be done if no help at all can be found. In an effort to avoid the implication that it is the mourner who does the work (NY), the active verb has been translated by a passive.

MḲ 2:1 and 2 further describe the process: "All the liquid should be drained off, and then the vessels should be sealed in their usual manner." See MLM, I, 34 f.

4. This Section is elliptic, presupposing MḲ 2:2, i.e. the wine is still in the tank, having flowed there from the wine press, and is about to be poured into the vessels with a ladle, after which they are to be sealed (Ṭoh 10:7; *Šiṭṭah-I*, p. 88). If, on the other hand, the wine had already been poured into the vessels, there would be no controversy, for this case is covered by Sec. 2.

"his vessels"—A reads erroneously *baddin* for *ḳaddaw*; the letters of these words are easily interchanged in the MSS (*ibid.*, line 9).

"cover them with planks"—to prevent the wine from souring (MḲ *ibid.*).

"so let it be completed at once"—above, note to Sec. 3.

5. If flax remains under water too long, its fiber is weakened by what is called "over-retting" (EB, "Flax," 9, 364); this example is often used to illustrate irreparable loss (MḲ 2:3; BM 6:1). Similarly, a loss would also be incurred if wool remained in the dyer's kettle after it had been sufficiently soaked (*Šiṭṭah-I*, p. 90; cf. note to Sec. 7).

"in his presence"—*immo*, generally, "with him." It has been emended to *'ofo*, "it" (GRA), a reading that finds no support in the MSS and seems unnecessary (*ibid.*, 127, line 12), for in this context it can take on the meaning of "in his presence," as it frequently does in Syriac (Payne-Smith, p. 416; below, Sec. 14; xi, 8; and possibly, vii, 6).

6. A field was generally sprinkled before it was sown—a process that had to be carried out in turns because sufficient water was not always available. Indeed, the parallels add: "when his turn arrives" (P. MḲ 2:1, 81a; B. *ibid.* 11b). A mourner who could not take advantage of his turn would thereby incur an irreparable loss. Specific details of this system of rotation, regarding hours and days, are mentioned in a document recently discovered in the Judean hills (cited in TK, 5, 1229, n. 6). See TE, 6, 537, nn. 309–15.

"may be sprinkled"—A adds erroneously, "in the midst of his field" (cf. variants, *ibid.*, line 30; RAN, p. 20).

"flax"—must be sown in its proper season, or it cannot be sown at all (Rashi to MḲ 11b).

"rainfall"—*rēḥi'ah*, so called because it fructifies the earth, descending for seven successive days. On the different dates of these late autumn rains, see Tos Ta 1:3-4.

"So Rabbi Eliezer. The Sages say." *A* is thus emended on the basis of the variants, and not abandoned as in SmH (*ibid.*, lines 13 and 14).

"What if it is not," etc. All agree that his field may be sprinkled for seeding, a rule that seems to be a continuation of Sec. 5 (cf. P. *ibid.* and B. *ibid.*). It is only with regard to flax, which should be sown in the time of *rēḥi'ah*, that the Sages disagree, maintaining that this is not a case of irreparable loss. Cf., however, NY who interprets Sm in such a way that the disagreement is also extended to the case of sprinkling, and see TH, 53d ff.

7. In B. MḲ 11b this Section (as well as Sec. 5) is ascribed to Rabban Simeon ben Gamaliel. It has been suggested that since this is work that is done openly for the benefit of the public, the word "privately" should not be read (Rashi to B. *ibid.*). Others, however, explain this to mean that although the mourner may work publicly, he should do so with diffidence—and it is thus that Sm must be interpreted (Meiri, p. 61).

"bathhouse attendant"—the Greek *balaneus*, who attends the people and is paid by each one of them (Rashi to MḲ *ibid.*). Cf. Tos BM 11:27, and see TR, 2, 133.

8. See below, vii, 8 and 11.

"in the course of a haircut"—literally "sitting and cutting hair."

9. A day laborer is not tied to his employer, since he is always able to leave his job and find work elsewhere (B. BḲ 116b). He is, therefore, forbidden to work for a mourner in a matter not involving an irreparable loss, for when he leaves, that loss is restricted to the mourner. A tenant farmer, on the other hand, would suffer a great loss, and may, therefore, continue working for a mourner. A contract worker occupies an intermediary position between a day laborer and a tenant farmer. He may continue working for a mourner, but only when it is not obvious that he is doing so, e.g. in his own home or in another city. Note that while Rashi (B. MḲ 11b) explains the parallel to refer to a laborer who is himself a mourner, Rabbenu Ḥananē'el (with his readings) interprets it in the manner of Sm.

"in his home"—*lē-beto*. The letter *lamed*, frequently used in the sense of the preposition *bet*, "in," is needlessly abandoned in SmH (128, lines 21 and 21-22; see MLM, 2, 1110, and n. 1).

"Simeon ben Eleazar"—so emended by GRA. (*A* reads "Simeon ben Yoḥai," *ibid.*, line 22; Tos AZ 1:3; P. Shab 1:8, 4a; and see TR 2, 186). Professor Lieberman explained an obscure passage in P. on the basis of this reading (*ibid.*) When P. states that "the law follows Rabbi Simeon ben Eleazar in cases of *šabbat* (Sabbath), *'eḥel* (mourning), and *'āḥodah zarah* (idolatry)," the term *'eḥel* refers to Sm (YK, 56; *Yad Ma'aki*, Sec. 88, pp. 19 ff.). With the publication of *Šittah-I*, this conjecture was corroborated by its author (p. 97, n. 4). It may also be suggested that *'eḥel* refers not to the laws of mourning, but specifically to the tractate Sm, because it is listed in a context of tractates, namely: Shab, 'Eḥel (=Sm), and AZ.

"Work . . . soil"—*bi-mēḥubbar la-karka'*, literally "With that which is attached to the soil," i.e. crops or real estate.

"forbidden, in either case"—for it is obvious that he is working for a mourner.

"If it . . . town"—literally "in another town," i.e. where it is not obvious that he is working for a mourner (B. M $\ddot{K}$  12a, and see Tosafot, *ad loc.*).

"it is permitted, in either case,"—whether attached to the soil or unattached; whether a day laborer or a contract worker. Cf. P. Shab *ibid.*, and see YK, p. 56.

10. "A mourner stricken," etc.—with no interval during which he might cut his hair.

"may crop his hair"—literally "lighten" (B. Ta 13a, and see Tosafot, *ad loc.*).

"clipper"—*misporeg*. If the reading of the Erfurt MS is correct, this is the same gardening tool mentioned in TYT 3:19 (see TT, 2, 298, n. 68), differing from shears or scissors in that it is made from a single strip of metal, sharpened at both ends, then bent in the middle so that the blades face each other (Kel 13:1; and see J. N. Epstein, *Peruṣ hag-ge'onim 'al seḡer Ṭohāroṣ* [Berlin, 1924], p. 28). Cf., however, Tos Kel, BM, 3:2, and cf. 3:3, p. 581).

"but not with shears"—the usual manner, and, therefore, forbidden.

"but not with urine"—a common medium for scouring (EB, "Wool," 23, 730; Nid 9:6; P. M $\ddot{K}$  3:2, 82a). The other detergents—niter, aloe, and sand—are also forbidden (B. M $\ddot{K}$  17b; Ta *ibid.*).

11. See Introduction, p. 13, n. 67.

12. See below xi, 14. The codifiers limit the law to shoes made of leather, permitting those made of felt or cork (TH, 57c). See Ezek. 24:21; B. M $\ddot{K}$  15b; cf. below, vi, 1; MT, v, 6 (177).

"the excommunicant"—although there is some doubt in B. as to whether he need remove his shoes (*ibid.*, and see Tosafot, *ad loc.*), Sm and P. (Ber 2:7, 5b) clearly state that he must.

"shoes"—the Greek *sandalon*, "sandal," made of a single strip of thick leather tied to the foot by straps. Since this was the kind of footwear usually worn, it also means "shoe" in the generic sense. The Biblical *na'al* is generally rendered *sandal* by the Sages, the Rabbinic term *min'al* which resembles our shoe being used in contrast to it (Targums Jerusalem and Jonathan to Gen. 14:23 and Deut. 25:10; *Ant.* 4, viii, 23, 599; *Lehnwörter*, 2, 399-400; Yeb 12:1, and see Albeck, 3, 341; B. BB 58a top, and Rabbenu Gershom and RAŠAŠ, *ad loc.*). For the archaeological realia of the Bar-Kokhba period, see Yadin, pp. 173 ff.

"And this applies to everybody"—literally "And similarly."

"Ninth of Ab"—the day on which both Temples were reportedly destroyed (JW, 6, iv, 5, 449, n. a; JE, "Ab, Ninth Day of," 1, 23). All the rites observed by a mourner should be observed on the Ninth of Ab (B. Ta 30a).

"a public fast"—proclaimed at a time of drought, pestilence, or other disaster, (Ta 3:5-8; Albeck, 2, 327; JE, "Fasting and Fast Days," 5, 327).

13. "One who died while still under a ban"—literally, "an excommunicant who dies," i.e. without repenting, in order that the ban might be lifted.

"should be stoned"—so that the living might take it to heart and be warned (RŠBH, p. 70). Maimonides states also that he should not be eulogized, nor should a procession accompany the bier (MT, I, iii, vii, 4).

"Achan"—Josh. 7:26. Cf. above, ii, 7.

"takes a stone and puts it on"—the literary formulation of Sanh 6:4, not that of E $\dot{d}$  5:6, where other instances of coffin stoning are cited.

14. The parallel distinguishes between a *mēnuddēh*, one banned for thirty days or (if the ban is repeated) for sixty, and a *muḥram*, one who failed to

repent after the completion of his second ban. While the *mēnuddeh* may recite Mishnah for the public and Mishnah may be recited to him, this is not so in the case of the *muḥram*. The *muḥram* is further restricted in that others may neither hire him nor be hired by him. He may, however, recite Mishnah to himself so as not to interrupt his study (B. MḲ 15a and 16a; MT, *ibid.*, vii, 5, 6; below, vi, 1).

On the basis of this parallel, the text of Sm has been termed corrupt (NY). It is, nevertheless, supported by all the MSS and early editions (129, lines 34–36). Perhaps Sm is transmitting an early Tannaitic tradition in which the distinction between the *mēnuddeh* and the *muḥram* had not been made. Note that nowhere in the Mishnah or Tosefta is the word *muḥram* used in the sense of excommunication.

"slam the door in his face"—the door of repentance (NY). In this context, it is more likely that it refers to his being cut off from all means of livelihood. This is suggested by B. (*ibid.*), which states that although he may not be hired, "he may open a small store to support himself" or perhaps "sell water in the valley of 'Āraḇoṭ (a deserted place)."

15. This Section deals with a ban enacted for a personal slight. For other offences, however, the ban must be respected by everyone, even if it was imposed by "the least important person in Israel." Indeed, there are several cases of slaves and robbers who have excommunicated their superiors in status, and still the bans were confirmed by the Sages (P. MḲ 3:1, 81d; B. MḲ 16a and 17a; MT, *ibid.*, vi, 12–14).

"One banned by the people," etc. While B. MḲ 16a states that "one excommunicated by the people of his town is also under ban in other towns," Sm states that he is not under ban in any other place. The emendation of this text on the basis of B. finds no support in the variants (*ibid.*, line 37; see GRA and NY).

"If by the town"—literally "if by another town." Professor Lieberman suggests that *'āheret*, "another," has perhaps been erroneously included by attraction (*ibid.*).

"not for students"—i.e. they need not respect the ban.

"Naši." If a person was banned anonymously or if the author of the ban had died, the Naši was empowered to lift that ban (P. *ibid.*; B. MḲ 16a; cf. next Section; MT, *ibid.*, vii, 10).

16. If three persons impose a ban, three other persons may lift it, if they are as distinguished in scholarship as those who had enacted it, provided, of course, that the person under the ban has repented (B. *ibid.*; MT, *ibid.*, vii, 9; *Šittah-II*, p. 33, n. 5).

17. A rebuke is a minor ban assumed by a person who finds that he has offended another person, e.g. a student rebuked by his teacher would absent himself from his teacher for a period of time (B. *ibid.*; for the verse supporting a seven day period of rebuke, see Num. 12:14, and Targum, *ad loc.*). While the periods of a ban and a rebuke in Palestine were, respectively, thirty days and seven days, in Babylonia they were, according to Raḇ Ḥisda, seven days and one day; he would, therefore, say: "Our ban is like their rebuke."

Note that whoever is placed under a ban in a civil case need only submit to the decision of the court in order to have the ban removed at once. For such cases, the rule is: *Toṭ 'asar wē-toṭ šari*, "A toot (of the shofar) imposes (the ban), and a toot lifts (the ban)."

18. The lasting effects of punishment by excommunication are discussed in B. M $\ddot{K}$  17a and b, where it is also stated in the name of Rabban Simeon ben Gamaliel that "Wherever the Sages have fixed their eyes (i.e. with a ban, *Šiṭṭah-II*, p. 43), there is either death or poverty." Cf. Eccl. R. 12:11; P. Sanh 10:1, 28a.

## Chapter VI

1. The activities mentioned in this Section are forbidden to the mourner for seven days (P. M $\ddot{K}$  3:5, 82d; cf. B. *ibid.* 21a, and see Tosafot, *ad loc.*).

Although he must generally fulfill all the commandments, he should desist from studying Torah, this being considered a *mišwah šel šimḥah*, "a commandment given to delight." He may, nevertheless, read Lamentations, Job, the sorrowful passages of Jeremiah, and those sections of Scripture and Talmud not familiar to him—it being assumed that his difficulty with a strange text will temper his joy (B. Ta 30a, and Rashi, *ad loc.*; B. M $\ddot{K}$  15a; cf. below, note to Sec. 3; P. *ibid.*). Furthermore, a scholar needed by the community may render a decision or give a public lecture, provided he alters the mechanics of his presentation (below, x, 11; MT, v, 16 [178]; Meiri, p. 118).

"read . . . recite"—whereas the verb *ḵara'*, "read," is used with respect to Scripture, *šanah*, "study" or "recite," is used in the case of Rabbinic literature, the oral tradition not committed to writing until a relatively late date (cf. above, v, 14).

"Mishnah"—Strack, p. 3; Albeck, 7, pp. 1-2. On redaction and publication, see HJP, pp. 83-99.

"Talmud"—Strack, p. 5.

"Hālakot"—ancient rulings traced to Moses at Sinai (*Šiṭṭah-II*, p. 82; cf. Strack, p. 6; Albeck, *loc. cit.*). On the etymology, see below, 10th note to viii, 7.

"'Aggadot"—*Šiṭṭah-II*, *ibid.*; Strack, p. 7.

"bathing"—his body, with cold or warm water. In washing his face, hands, or feet, however, only warm water is forbidden (B. Ta 13b; M $\ddot{K}$  15b; MT, v, 3-4 [176]).

"anointing"—himself with oil in any amount is forbidden, unless it is used to remove dirt (B. M $\ddot{K}$  *ibid.*; MT, *ibid.*).

"wearing shoes"—above, note to v, 12.

"marital bed"—2 Sam 12:24 is the supporting verse (B. M $\ddot{K}$  15b; MT, v, 5 [177]). See Introduction, p. 2.

"to cover his head"—see Introduction, p. 13.

"to invert the bed"—below, xi, 10-19. See Introduction, pp. 12f.

"Did you not teach us"—cf. above, i, 10.

"asthenic"—the Greek *asthenēs*, literally "without strength." Bathing was a necessity for him, not a delight (Ber 2:6; B. Ber 16b and Tosafot *ad loc.*; P. M $\ddot{K}$  3:5, 82d; note variant to Targum Jonathan to Job 6:7).

2. Sections 2-7 contain specific laws governing the first three days of mourning. Many 'Aggadot describe this period as one of danger to the mourner. It is the very height of mourning, a time given to lamentation, and the mourner should picture himself as being threatened by a suspended sword (B. M $\ddot{K}$  27b). A death in the family is compared to a stone being removed from a pile: when one stone is taken away they all come toppling down. The soul hovers over



the grave seeking entry. After three days, seeing that the appearance of the body has undergone a change, she departs leaving it to rest (P. *ibid.*, 82b; Gen. R. 100:7, 1290; below, 3rd note to x, 2; for literature on this Persian belief, see WJV, 506, nn. 3-4).

"If others greet him," etc.—Ezek. 24:7 is the supporting verse (B. M $\ddot{K}$  15a, and see Rabbenu H $\ddot{a}$ nan $\ddot{e}$ 'el and Tosafot, *ad loc.*). A normal exchange of greetings seems to be treated as an interruption of mourning (cf. the case of prayer: Ber 2:1-2; 5:1).

"hushed"—*rafah*, literally "slack" or "faltering." Cf. below x, 11; Tos Ta 3:12.

"not . . . greet them"—until the seventh day. In the event that he is mourning for a father or mother, others should not greet him until twelve months have gone by (below, ix, 3-15; xiv, 12; B. M $\ddot{K}$  21b; MT, v, 20 [179]).

3. "The mourner must fulfill all the Biblical commandments, save that of *t $\ddot{e}$ fillin*" (B. Suk 25b), i.e. during the height of mourning (B. M $\ddot{K}$  21a). *T $\ddot{e}$ fillin* are singled out because they are identified with a joyous heart (R $\ddot{S}$ BH, p. 106; cf. above, note to Sec. 1), and during a time of lamentation one cannot properly direct his attention to them (TH, 61b).

It may be suggested that the mourner's removal of his *t $\ddot{e}$ fillin*, a symbol of joy (B. Ber 30b), at the appearance of a new comforter is his way of showing that the intense grief of the first or second day has not yet waned. This may be compared to the wedding feast. Though its essential period is also the first day, it too continues for seven days, but only for *panim h $\ddot{a}$ da $\dot{s}$ ot* (literally, "a new face"), i.e. when one who has not heard the blessings arrives (B. Ket 8b, and see RID *ad loc.*; note too that the parallels to Sm read "panim h $\ddot{a}$ da $\dot{s}$ ot." On the term, see TK, i, 18 and 49, nn. 58-59; cf. above, note to x, 7).

"taking them off on the third day"—for a *panim h $\ddot{a}$ da $\dot{s}$ ot* (see preceding note), lest the new comforter should mistakenly think that this is the first day of mourning and conclude that *t $\ddot{e}$ fillin* should be worn on the first day (Rashi to B. M $\ddot{K}$  21a; *Sittah-II*, p. 83). Since a person is more likely to make that mistake on the second day, the phrase "on the third" is difficult. It must, therefore, be assumed that the text does not mean to imply that he should remove them from the third day on, and not from the second, but rather that this is in the style of a *lo zo 'af zo* statement, "not only this (the second day), but also this (the third day)." Cf. below, note to xiv, 9, and see Mielziner, p. 196. NY emends this Section on the basis of the parallels (P. Ber 3:1, 5d; M $\ddot{K}$  3:5, 82b; B. *ibid.*; Gen. R. 100:7, 1290); cf.  $\dot{S}$ Y; SmH, 131, line 11; LG 2, 12.

"Rabbi Joshua" etc. Unlike the parallels, Sm states that the Sages disagree only as to when the *t $\ddot{e}$ fillin* are to be put on, not as to when they are to be removed (cf. the variants, *ibid.*, lines 11 and 13).

4. B. M $\ddot{K}$  21b; cf. TH, 70d; MT, vii, 5 (183).

"If another person died"—*me $\dot{t}$  me $\dot{t}$* , the reading of *A*, is unnecessarily emended in SmH (132, line 14). Cf. below vii, 2; Sanh 2:3.

"join the funeral procession"—literally, "go forth with them." Cf. below, ix, 13.

"mourners' row"—above, note to ii, 1.

"If, however," etc.—above, note to iv, 8.

5. P. M $\ddot{K}$  3:5, 82c; B. M $\ddot{K}$  21b; MT, vii, 4 (183).

"a person . . . mourning"—literally "he came to his relatives from another

place"; so all the variants except *A*, which transmits the less likely circumstance of the mourners traveling (*ibid.*, line 18).

"count seven days"—literally "count."

"Simeon ben Eleazar"—*A* reads "Joshua ben Eleazar," a name which does not occur elsewhere (*ibid.*, line 19). The basis for this corruption is perhaps *P.* (*ibid.*), where the names "Joshua ben Levi" and "Simeon" follow the parallel.

"sitting"—a *terminus technicus* used literally and figuratively, indicating that the mourner is still receiving comforters, i.e. he is actively engaged in mourning.

"even on the third day," etc. The emended text of SmH (*ibid.* line 20), unsupported by the variants, is unwarranted.

"if he did not find them sitting." Professor Lieberman suggests that he did not find the mourners at home.

6/7. The division of Secs. 6 and 7 in SmH is based on a scribal error in *A*; the repetition of "on the first or second day" is unsupported by the other MSS (*ibid.*, line 24), the *editio princeps*, or the parallel (B. M $\ddot{K}$  21b). Moreover, *A*, as it stands, transmits two contradictory *halakot*. Lines 24–27 must therefore, be understood as a continuation of Sec. 6, describing and limiting the kinds of work that may be done after three days by one who is impoverished. See Tosafot to B. *ibid.*; MT, v, 8 (177).

"engage in work"—*A* requires this emendation, part of line 24 being erroneously transcribed in line 22.

"paupers' plate"—*tamhuy*. No one who had enough food for two meals could partake of the food collected in this plate (Pe 8:7).

"On the third . . . in private"—nevertheless, a curse was pronounced upon his neighbors for permitting him to be reduced to this (Gen. R. 100:7, 1290; cf. above, v, 1).

"may work in her house"—spinning with the distaff (B. *ibid.*; cf. below, xi, 9; *Šittah-II*, p. 85, n. 4).

8. On the point of contact between this Section and the preceding text see Introduction, p. 6.

"and dies there three days later"—literally "three days." The text of SmH represents a needless conflation (p. 133, line 28).

"the house is clean . . . is defiled." Whatever is swallowed by an animal can cause defilement only if it is ejected or if the animal dies before it is fully digested. Since flesh eaten by a dog is not digested until three days have elapsed, should the dog die within that time, the house in which it lies is subject to defilement (Ohal 11:7; Tos *ibid.* 12:3; Za 2:3; cf. above, note to i, 1).

9. This Section is difficult (see ŠY and NY).

"five species"—wheat, barley, spelt, oats, and rye (Ḥal 1:1).

"to take root"—the text is elliptic but must be so understood. Cf. below, vii, 25.

"Before Passover"—i.e. before the first day of Passover, the bringing of the 'omer (Lev. 23:9–14).

10. At least three days are required to adjust to the hardships of travel or to the pressures of battle (MT, III, 1, xxx, 13 [YJS, 14, 197]; RIF to B. Shab 19a, and *ham-Ma'or*, *ad loc.*; RIBAS, 17 and 18). Cf. 1 Macc. 34, and see *Ant*, 13, ii, 3, 251.

"a war not divinely enjoined"—literally an "optional war," authorized by the secular ruler, e.g. the wars of David, as opposed to a *milḥemet mišwah* which

is ordained by Scripture or some other manifestation of the divine will, e.g. the conquests of Joshua. If, however, the war has already begun, it need not be terminated (Tos Er 4:7, and see TK, 3, 342-43).

"put out to sea." It is permitted, however, in fulfillment of a religious duty (B. Shab 19a). In this category Rabbeinu Tam includes traveling to earn a livelihood or even to visit a friend (OH, 248).

11. After digressing in Secs. 8-10 (above, note to Sec. 8), Sm reverts to the mourner.

"Temple Mount"—Mid 2:1, 2.

"walk around to the left"—departing at the right. The normal circuit is from right to left (*ibid.* 2:2; cf. Zeb 6:3).

"What's wrong," etc.—those present inquire of him (below, note to Sec. 12).

"put it into their hearts"—i.e. the hearts of those who pronounced the ban.

"not mortally ill"—literally "viable" (ŠY, 20d).

"at once"—erroneously omitted in *A* (SmH, 134, line 42).

"Eleazar ben Hananiah ben Hezekiah ben Garon"—all the variants omit the first and second *ben*, "son," erroneously reading the conjunctive *waw* instead (*ibid.* line 45; TTA, 1, 176). This error is continued in *A* where the verbs "lost" and "budge" occur in the plural, part of the sentence being correctly transmitted in the singular (*ibid.* lines 45-47). Note, too, that *A* reads "Ḥaninah."

12. In order to enable Israel to practice deeds of loving-kindness, it is said that Solomon included two gates in the Temple: one for bridegrooms, the other for mourners and excommunicants. The people of Jerusalem would gather on Sabbath between these two gates. To one entering the grooms' gate, they would say, "May He who dwells in this House make you happy with sons and daughters." As for one entering the mourners' gate, if his lip was covered, they knew him to be a mourner and comforted him (above, 11th note to Sec. 1, and Sec. 11); if his lip was uncovered, they knew him to be under ban, and urged him to repent (Sec. 11. Note that B., on the other hand, comes to no conclusion as to whether an excommunicant is required to cover his head [B. MḲ 15a]). After the Temple was destroyed, bridegrooms and mourners gathered at synagogues and houses of study for this same purpose (PRE, Chap. 17, 41b, and see RDL, *ad loc.*; Sof 19:9 [ed. M. Higger, New York, 1937, p. 335]).

"If there be in the land," etc.—cf. 2 Chron. 6:28-32.

"From the verse I know that this applies to an individual . . . Scripture reads"—omitted in the elliptic text of *A* (*ibid.*, lines 51-52; cf. variants).

"How do I know that this is true." *A* reads erroneously *yaḳol 'āfillu*, "lest one should think that this is also true": a phrase that must introduce a negative conclusion, appearing correctly in the next line (*ibid.*, 136, line 54).

"in their sin"—*mereḏ*, literally "rebellion." This word is used here perhaps in anticipation of *neḡa'* ("plague") found in the supporting verse, for *mereḏ* also is used in the sense of a plague or an open wound (*Aruch*, 9, 267; cf. Payne-Smith, p. 299).

"the plague of his own heart"—his sins. Only after he recognizes them and repents may he "spread forth his hands" in prayer.

## Chapter VII

1. While *šib'ah* can be observed without the festivals intervening, it cannot be observed without the Sabbath intervening. Were the Sabbath to cut off *šib'ah*, there could never be seven continuous days of mourning. As a result, only the festivals (Passover, Pentecost, and Tabernacles) cut off the mourning period (P. M $\ddot{K}$  3:5, 83a). It has also been suggested that the commandment "to rejoice," affecting festivals, cannot be fulfilled during mourning (Deut. 16:14; B. M $\ddot{K}$  14b). On the other hand, the term '*oneg*,' "delight" (Isa. 58:13), is used to describe the Sabbath day, when private mourning is permitted (HG, p. 205; Šē'elot, 1, Sec. 15, 88, n. 7; MT, x, 1, 3 [190]).

"The Sabbath is counted"—in reckoning *šib'ah*, although it is a day during which public mourning is forbidden.

"and does not cut off." After the Sabbath he must continue counting until the *šib'ah* have been completed.

"the festival," etc.—below, Secs. 2 and 7. The word "festival" appearing in the plural in *A* has been emended to agree with the rest of the sentence; cf., however, variants (SmH, 137, lines 2-3), and M $\ddot{K}$  3:5.

"Eliezer"—*A* reads erroneously "Eleazar" (SmH, 137, line 3; cf. variants; M $\ddot{K}$  3:6; MLM, 2, 1162 ff.).

"Pentecost is like the Sabbath"—i.e. it should be counted in the mourning, and should not cut off the *šib'ah*. Pentecost was celebrated for only one day after the Temple was destroyed. Before that time, however, if one had not brought his sacrifice during the festival day, he could still do so during the following six days (Hag 1:6).

"Rabban Gamaliel"—only *A* follows the parallel (M $\ddot{K}$  *ibid.*; cf. variants, lines 3-4; MLM, 2, 1198 ff.).

2. While the Palestinians insisted that the mourning period could be cut short only if the death occurred three days before the festival, the Babylonians said that the interval could be "even an hour" (*ha-Hillukim*, pp. 98-99). The controversy between the two Schools, however, was apparently limited to the case of inverting the bed, the School of Hillel suggesting a lenient ruling only for this specific rite (TK, 5, 1254-56).

"he should suspend mourning." Note that the verb *pasak* is used both in the sense of suspending temporarily and cutting off permanently (above, Sec. 1; Šittah-II, p. 67, bottom).

"and count six days after the festival"—i.e. mourn six more days to complete the *šib'ah* (below, Sec. 5).

"he need no longer invert the bed"—i.e. his mourning is finished (B. M $\ddot{K}$  20a; above, note to vi, 1).

"Even an hour"—before the festival, he need no longer invert the bed. The parallel reads "Even a day" (Tos M $\ddot{K}$  2:9; cf. B. M $\ddot{K}$  20a). There is, in effect, no difference between these readings, because of the principle "Part of a day is counted as a whole day" (B. *ibid.*, 20b).

"Rabban Gamaliel"—the parallels (*ibid.*) cite the tradition in the name of Rabbi Eleazar ben Simeon.

3. "if . . . *šelošim*"—omitted in *A*, and included on the basis of the variants (*ibid.*, 138, line 13).

4. The restrictions of *šelošim* are temporarily suspended out of regard for the festival (below, Secs. 8–11).

"do so"—literally, "cut his hair and wash his clothes." Cf. above, v, 10.

"he may not . . . completed." In the parallel, Abba Saul argues that he may cut his hair, for the *šelošim* are permanently canceled. Moreover, this would also be the case if the dead were buried only seven days before the festival (B. MḲ 19b).

5. Except for a minor scribal error (see below), *A* is correct, the emendations in SmH being unwarranted (*ibid.*, lines 19 and 21).

"before the end of"—*bē-toḳ*, literally "in the midst of." The translation "before the end of," required by the context, is not unique (see NY). Note that while B. MḲ 20a, in a similar text, reads *bē-sof*, "at the end of," a variant in the Munich Codex reads *bē-toḳ*; and so P. MḲ 3:5, 82b. On the reading of the Tosefta, *mi-toḳ*, literally "from the midst of," see TK, 5, 1252, lines 15 and 15–16.

"and then count seven days"—of mourning. The text repeats "after the festival." *A* erroneously reads *šēmoneh*, "eight," a dittography from the previous word *monch*, "count" (*ibid.* line 18).

"the public paying their respects," etc. It is only for the mourner that the festival suspends mourning. The community, on the other hand, may continue to pay calls of condolence even during the festival. Having comforted him during the last two days of the festival, they are only required to continue to do so for five more days (B. MḲ 20a, and see Rashi, *ad loc.*, top; below, Sec. 7).

"If seven days before the end of a festival." Instead of saying "at the beginning of the festival," this labored form is continued for the sake of parallelism.

"the public not attending him," etc.—having already visited him during the seven days of the festival.

6. It is not likely that Sm is referring to relatives who must independently mourn for the deceased. Why would one think otherwise? One must therefore conclude that they are relatives not in the immediate family of the deceased who take on mourning out of respect for the mourner (see last note to iv, 1). See above, v, 1; P. MḲ 3:5, 82b; B. *ibid.* 20a.

"neither his slaves"—who may work either in some other place (P. *ibid.*) or privately in his own house (B. *ibid.*).

"remain idle"—the Hebrew text continues: "with him."

"along with him"—*immo* (above, note to v, 5); the reading is found in *A*, and is unnecessarily omitted in SmH (*ibid.*, line 23).

7. The restrictions of *šib'ah* are not observed during the festival; but since those of *šelošim* are observed (e.g. no haircutting or laundering), the days of the festival are counted in the reckoning of *šelošim* (B. MḲ 19b, and see RIF, *ad loc.*)

"during the festival"—*mo'ed*, "the festival" or "its intermediate days."

"not a mourner." *A* reads erroneously, "not in the festival" (cf. the variants, *ibid.*, 139, line 25; below, x, 3; and see TR, 1, 244).

"he should take on mourning privately." Cf. B. MḲ 24a; B. Ket 4a; MT, x, 3 (190), and see KM, *ad loc.*

"whatever concerns the public"—e.g. comforting the mourner (above, 4th note to Sec. 5; Tosafoṭ to B. MḲ 20a, top).

"in the reckoning of šib'ah"—*A* omits "of šib'ah" (*ibid.* line 26). Cf. the rule in B. M $\ddot{Q}$  20a; and see NY.

"whatever does not concern the public," etc.—i.e. all the restrictions of šib'ah which could not be observed during the festival must be observed after the festival.

8. See Introduction, p. 6.

9. "how so?"—*keyšaq*, a *terminus technicus* introducing the explication (see Sections below). Here, however, it introduces a Biblical proof-verse for the thirty-day period of mourning (cf. B. M $\ddot{Q}$  19b; MT, vi, 1 [180], and see RABAD and RADBAZ, *ad loc.*). On this infrequent usage of *keyšaq*, cf. So $\mathfrak{t}$  7:3,4, and see MLM, 2, 1032; MLT, 44.

10. In the calendering process, the clothes were first laundered and then rubbed with a glass stone (*Šittah-II*, p. 105). In the East, the process was apparently inferior to that of Palestine, for the Babylonians used to say: "Our calendering is like their laundering" (B. Ta 29b; Ke $\mathfrak{t}$  10b, and see Rashi, *ad loc.*; on the literary formulation, cf. note to v, 17). Cf. below, ix, 10; P. M $\ddot{Q}$  3:5, 82a; B. *ibid.* 23a. See MT, vi, 4 (180).

"may not wear calendered clothes"—during šelošim.

"that have gone through the press"—i.e. after having been calendered (*Šittah-II*, *ibid.*).

"Rabbi Meir"—so *A*. The variants read "Rabbi" (*ibid.*, 140, line 35; above, note to iv, 4).

"Dyed clothes," etc.—Nahmanides terms this text corrupt, emending it to read: "White clothes, but not those that are dyed" (TH, 62b and c).

"Rabbi"—so *A*. The variants read "Rabbi Meir" (*ibid.* line 36; cf., however, B. *ibid.*; and TH, 62a).

"White . . . new"—forbidden only in the case of new woolen garments and white flaxen garments (P. M $\ddot{Q}$  3:8, 83d).

"It is permitted to wear a belt," etc.—although calendered, since they are not considered garments (BY to YD, 389). *A* omits *pondah*, "belt," a reading supported by all the variants (*ibid.*, line 37). On the identification of the terms *fundā*, *fascia*, and *impilia*, see *Lehnwörter*, 2, 61b, 427a, 472b. Cf. above, note to v, 12.

"for calendering"—the reading of the variants. Its omission in *A* is not necessarily a scribal error, for it can be so understood (*ibid.*, line 38): the clothes may be sent out for calendering within the šelošim to be worn after the šelošim.

11. Lev. 10:6; 2 Sam. 19:25; Tos M $\ddot{Q}$  2:2, and see TK, 5, 1247; P. M $\ddot{Q}$  3:1, 82a; B. *ibid.* 14b.

"so is it forbidden after šib'ah"—so *A*. The variants read: "so is it forbidden during the šelošim after šib'ah," and thus emended in SmH (141, line 41). *A* clearly takes on this meaning without emendation and also maintains the parallelism.

"Just as cutting the hair is forbidden, so is cutting . . . šib'ah"—has been included in the text on the basis of *G*, its omission in *A* being a homoioteleuton (*ibid.* lines 41–43; cf. RIF to M $\ddot{Q}$ , Sec. 1221, p. 28; see Tosafot to B. Ye $\mathfrak{b}$  43a, top).

12. Citing Deut. 15:9 as a supporting verse, the Talmud applies this rule to any loan, with or without a note of indebtedness (B. Mak 3b). The Tosefta (BM 10:1), on the other hand, states that the time limit must give way to local custom, whether it is more or less than thirty days.

13. In an effort to maintain a measure of sanctity even on the battlefield, the law of the *yējaṭ to'ar* ("woman of goodly form," Deut. 21:11) was introduced. Although marriage to a heathen captive was not desirable, it was, nevertheless, not as objectionable as forcing her on the battlefield and taking her while she is in a forbidden state (B. Kid 21b). A restraint in the form of a thirty day waiting period during which the captive must adopt a forlorn state was, however, put in the captor's way in an effort to stay his passion and deter him from taking her. If all these things were not done in her case, and he still takes her, then, the Sages declare, "he takes her in harlotry" (Sif Deut., 213).

"do"—*wē-āšēṭah*; this literal translation admits of the two meanings discussed below.

"cut her nails"—so LXX, Pesh., Targum Jonathan, Vulg.; see also Nahmanides and the modern commentators.

"Eliezer"—A reads erroneously "Eleazar" throughout this Section (cf. variants, *ibid.*, 142, line 47; Sif Deut., *ibid.*; B. *ibid.*).

"Rabbi 'Āḳiḇa . . . cutting nails"—its omission in A is a homoioteleuton (*ibid.*, lines 47-50).

"let her nails grow"—so Targum Onkelos (also Rashi and Ibn Ezra, *ad loc.*).

"Rabbi Eliezer argues," etc. Since the word *ma'āfeh*, "action," is used in two cases, one clear, the other vague, an analogy is drawn from the two activities themselves, namely, "cutting."

"Rabbi 'Āḳiḇa argues," etc. An analogy is drawn from the effect of the two activities, namely, the resulting "eyesore." Cf. Tosafot to B. Yeb 43a, top, where a shaved head is termed *niwul*, "an eyesore."

"If she was wearing," etc. Cf. the literary formulation in the case of the suspected adulteress (Sot 1:6).

"bracelets"—or "necklaces."

"earrings"—Gen. 35:4, or "noserings" (Is. 3:21).

"when she comes in and goes out"—so A; the variants read: "when he comes in," etc. (*ibid.*, 143, line 58).

"She must wait a month," etc. In her case, the normal period of waiting before a woman may remarry is waived (above, note to iv, 2; Tos Yeb 6:8).

"But Rabbi 'Āḳiḇa says," etc.—expounding the same verse, he arrives at a three month period of waiting even for the captive woman (cf. Tos *ibid.*).

"When does this apply?"—that a period of waiting is necessary.

"Rabbi Simeon ben Eleazar says," etc.—consent is not needed for slaves, ablution being applied by force; they are then freed by a second ablution, also applied by force (B. Yeb 47b and 48a, and see Rashi, *ad loc.*).

"why is all this necessary?"—i.e. why a forlorn state for the heathen captive? To which Sif Deut. (*ibid.*) replies: "so that the Israelite daughter appear happy, and she, in tears; so that the one appear adorned, and the other, unkempt." (For an alternate application of the question, see NY.)

"For it is better," etc. The captive woman is converted as the lesser of two evils—a concession to man's passion.

"a dying animal . . . carrion." A dying animal, if slaughtered in full accordance with the ritual, may or may not, upon subsequent examination, prove to be fit for consumption. If it is found to be unfit, it is termed *ṭereṣah* (cf. Introduction, p. 9). On the other hand, an animal that dies a natural death or is killed,

or even a perfectly healthy one whose slaughtering is ritually faulty, is called *nēḥelah*, and, unlike *ṭereḥafah*, causes defilement when carried (Kel 1:2) and is certainly unfit for food.

14. Only the banquet is forbidden (HG, p. 209), but betrothal itself is permitted even on the day of death (MT, vi, 5 [180]). On betrothal, see above, note to ii, 12.

15. Two Baraitot are joined in this section, each taking exception to the rule "One may not arrange a wedding feast during the thirty days." The first cites the case of a parent who died after the feast had been prepared, the wedding taking place within thirty days (B. Ket 3a and b); the other, the case of the deceased wife, in which event a man may not remarry even after thirty days (B. MḲ 23a; P. Yeb 4:11, 6b; Eccl. R. 9:9; Tosafoṭ to B. Ket 4a).

"If . . . the banquet was prepared"—literally "If he had slaughtered his meat," i.e. if the bread had been baked, the meat dressed, the wine mixed, and the water poured over the meat (B. Ket 4a).

"his father or father-in-law." It is the father who prepares the feast. Instead of "father-in-law" B. reads "mother-in-law" (so emended by ŠY and GRA), for it is she who prepares the trousseau for the bride (B. *ibid.*, and see Rashi, *ad loc.*).

"He should consummate the marriage," etc.—there being no one to make these preparations at a future date. The corpse was, therefore, placed in another room, for were it interred, mourning would immediately take effect and the wedding would have to be postponed (Rashi, *ibid.*).

"and then withdraw"—to bury his dead. He may then celebrate the seven days of the wedding feast, which, like the festival, suspends mourning; after this, he must observe *šib'ah*. During these fourteen days, he must sleep among the men, and the bride among the women (B. Ket 4a, and see Rashi, *ad loc.*).

"until after *šib'ah*"—so all the variants, except *A*, which reads "seven days." In any case, the meaning is "after the seven days of mourning," which in this instance is fourteen days later (see preceding note; SmH, *ibid.*, line 72).

"father or"—*A* erroneously adds the case of "mother" (*ibid.*). The Talmud, reading "father or mother-in-law," adds "but not the reverse" (B. *ibid.*).

"If, however, his wife died." This statement is not a continuation of the argument, but, rather, reverts to the original rule: "One may not make," etc.

"If . . . he has no children"—so as not to neglect a Biblical commandment (Gen. 1:28; Yeb 6:6).

"or has small children"—so that she might take care of them (B. MḲ 23a).

"Tarfon"—*A* erroneously has an abbreviation for "Gamaliel" (cf. variants, *ibid.*, line 77; and parallels, *loc. cit.*).

"while still in mourning"—while at the cemetery, according to P. (*ibid.*). *A* reads "in the midst of the festival," a reading that is unsupported and not recorded in the variants (SmH, *loc. cit.*).

"even after thirty days"—so *A*. The variants read "until after thirty days" (*ibid.*, line 78; cf. B. *ibid.*).

16. A man may repress his passion for thirty days, but after that time, it is assumed that he is seeking a pretext to deprive his wife of her marriage contract (Deut. 22:14; B. Yeb 111b; cf. below, note to Sec. 18).

"a husband"—literally "he."

"after thirty days," etc.—so Rabbi Meir. Rabbi Jose says: "If they were alone



together, the claim must be advanced forthwith; if they were not alone together, even after thirty days" (Tos Ket 1:4).

17. Although *A* transmits several scribal errors in pronouns and pronominal suffixes, it nevertheless offers the best text for translation (*ibid.*, 145, line 81). Note that while the Mishnah (Ket 5:2) begins with the case of the virgin, adding the one of the widow, Sm, primarily concerned with the thirty days of the widow, begins with this case and adds the other—the editor reversing the sequence, to fit its new context.

"If the man presses her," etc.—after betrothal.

"she is given thirty days"—from the time of summoning, not the time of betrothal. Since she had been married before, it is assumed that her preparations will take less time. If he puts her off after this prescribed time, he is responsible for her maintenance (Ket *ibid.*).

"to prepare a trousseau"—literally "to provide for herself," if she is a virgin, i.e. if she became a widow after a previous betrothal.

"Just as time is given," etc.—be it thirty days or twelve months. While B. (Ket 57b) seems concerned solely with whether the woman had been formerly married, P. (Ket 5:3, 29d) takes into account also the former marital status of the man (see MT, IV, 1, x, 18, and MM, *ad loc.*).

18. Yeb 13:12; on levirate marriage, see above, note to i, 1.

"says within thirty days"—after having been taken to the home of the brother-in-law.

"he is compelled," etc. She is believed in her claim, for up to thirty days he may repress his desire (above, note to Sec. 16); he must, therefore, perform *hālīṣah*. B. (Yeb 112a) establishes this case as one in which the woman brings forth a divorce from the brother-in-law—the divorce normally indicating that the marriage was consummated and *hālīṣah* is unwarranted—yet in the face of her claim (made within thirty days) that he has not been intimate with her, the divorce is considered insufficient proof.

"After thirty days, he is not compelled"—for she is not believed. He is, nevertheless, requested by the court to do so, for she has impaired her right to remarry without *hālīṣah* by claiming that the marriage had not been consummated. On the other hand, if he admits her claim, he must perform *hālīṣah*, even after twelve months (Yeb 13:12).

19. Ket 7:1; on oaths and vows, see GJP, pp. 115-43.

"someone to support her"—literally "a *parnas*." The husband may declare: "Whosoever supports her will suffer no loss" (B. Ket 70b). He may not, however, appoint him directly, for as his agent, he too would be forbidden to support the wife.

"beyond this"—if he has not been released from his vow.

"he must divorce her," etc.—because people are bound to hear of this disgrace to his wife. A longer period of time is given to the priest, since he may not remarry his divorced wife (*ibid.*; above, note to iv, 4).

20. Above, notes to iv, 12 and 17. For verses supporting a thirty-day period, see P. Naz 1:3, 51c, and B. Naz 5b. The translation follows *A* without emendation (cf., however, NY, ŠY, and SmH, 146, lines 88-89). The first part of this Section becomes clear when, as Professor Lieberman pointed out to me, it is seen in the light of Naz 3:1.

"Lo, I am a Nazirite for thirty days." He may not cut his hair before the thirty-first day; having specified the number, he must wait the full period.

"at the outset, it is thirty days." He, too, should cut his hair on the thirty-first day. If, however, he does so on the thirtieth day, he has fulfilled his obligation, the principle "Part of the day is counted as a whole day" (above, note to Sec. 2), applying when the number is not specified.

"who has fulfilled his Nazirite vow"—i.e. a vow that extended beyond thirty days (Naz 3:6).

"the School of Shammai says," etc. He need not repeat the entire vow.

"the School of Hillel says," etc. Since the land outside of Israel was considered defiled (above, 6th note to iv, 13), whosoever became a Nazirite abroad was required to go to Israel to fulfill his vow, and according to the School of Hillel the entire vow had to be repeated. Cf. the cases of Queen Helena (Naz *ibid.*) and Queen Berenice (JW, 2, xv, 1, 44, n. a).

21. See Introduction, n. 27. On *mēzuzah*, the Biblical inscription affixed to the doorpost, see Deut. 6:4-9; 11:13-21; JE, 8, 531 f.

"in the Land of Israel"—while staying at an inn (P. Meḡ 4:12, 75c; B. Men 44a).

"he who rents a house . . . at once"—in order to encourage settlement in Palestine, it being assumed that a person will not quickly move from his home once a *mēzuzah* is written and posted (B. *ibid.*, and see Rashi, *ad loc.*).

"fifty days"—"thirty days" are indicated by the parallels (B. and P. *loc. cit.*). Sm may be transmitting a scribal error, the letter *lamed*, "thirty," being confused in the MSS with the letter *nun*, "fifty."

"*bourgos*"—a watchman's tower. On etymology and diverse functions, see M. Schwabe, "The Bourgos Inscriptions from Caesarea Palestinis," EpJV, p. 281; and see Millim, pp. 16-19.

22. This law assumes that the person buying the suckling also contracts for the mother (NY). See Exod. 22:29; Deut. 15: 19-23; Albeck, 5, 153-54.

"small cattle . . . large cattle"—sheep or goats as opposed to bovine animals.

"three months." The reading in SmH, "thirty months," is clearly a printer's error (*ibid.* line 96).

"their needs are many." Unable to eat grass, they depend on nursing (B. BM 69a).

"As to care of a firstling"—how long must the Israelite keep it before giving it to the priest? This law was designed to spare the priest the trouble of caring for the animal in its infancy (see Bek 4:1).

23. Lev. 23:42-43; Albeck, 2, 253-56. A booth more than thirty days old and not specifically built for the festival is ritually obsolete. Within that time, however, it is assumed that it was built with proper intent, the laws of the festival being studied for thirty days preceding the festival (B. Suk 9a, and see Rashi, *ad loc.*).

"so long as it is renovated"—in this Sm follows P. (Suk 1:1, 52b).

"a year before"—literally "from the beginning of the year," i.e. immediately after the previous Tabernacles.

24. For general orientation, see Exod. 23:10-11; Lev. 25: 1-7; Num. 18:21-24; Flora, 1, 738; 2, 429, 505; Albeck, 1, 133-34; 217-20. The variants introduce this Section with the following text:

"Rice, millet, panicum, and sesame that took root before the New Year must be tithed for the previous year and may be eaten during the Sabbatical year. Otherwise (i.e. if they took root after the New Year), they are forbidden during the Sabbatical year and must be tithed in the following year.

"Rabbi Simeon Shezuri says: 'So, too, for Egyptian beans that were meant for seed from the start.'

"Rabbi Simeon says: 'So, too, for large-sized beans.'

" 'In the case of large-sized beans,' says Rabbi Eleazar, 'only if they form pods before the New Year (i.e. it is not enough that they take root).'

 (SmH, *ibid.*, lines 102-06).

The omission of this text in *A* need not be an *aberratio oculi*. The absence of the number "thirty" (Introduction, p. 6) in the discussion may indicate that it does not belong in Sm, and that it found its way in the other MSS by attraction (Sheḅī 2:7-9; Tos *ibid.* 2:3,4, and see TK, 2, 497-500).

"Seedless onions"—wild onions producing no seed (P. Sheḅī 2:9, 33a). On the *waw explicativum* before *has-sērisim*, "seedless," in *A* (*ibid.*, line 107), see MLM, 2, 1076 ff.

"denied water for thirty days"—with the result that the seeds multiply at the expense of the edible pulp. This shows that they were planted for their seeds, and as such must be tithed in the year they took root. As vegetables, however, they would have to be tithed in the year during which they are gathered (TT, 1, 169, n. 10).

"may be retained"—for sowing after the Sabbatical year; *lē-ḥayyēmin*, the repeated reading of *A*, is emended in SmH (148, lines 108, 111) and erroneously omitted from the variants. Professor Kutscher informs me that he believes this form is correct and that he is collecting supporting material, to be published at a future date.

"may not be retained"—all the restrictions governing seventh year produce being applied to them.

25. This section combines Sheḅī 2:6 and Tos *ibid.* 2:3 (cf. Tos RH 1:8); while it follows the case of seedless onions in Sm, the sequence is reversed in the parallels. Note that if any of the processes discussed here took place during the sixth year of the septennial cycle, the last thirty days of that year are added to the Sabbatical year (B. RH 10b). This is called a *tosefet šēbi'it*, "a seventh year supplement," during which the restrictions of the Sabbatical year apply. This supplement is then added to the time required for the plant to take root, resulting in three new minimal periods of time: sixty, thirty-three and forty-four days (TK, 2, 498).

"sinks a vine"—a branch is bent into the ground, covered with earth, and later severed so that it might sprout anew (*ibid.*, 497).

"grafts a tree"—grafting is permitted among trees of the same species (*ibid.*).

"should count that as a year"—in determining the years of 'orlah, the years during which the fruit of a newly planted tree is forbidden (Lev. 19:23-25; Albeck, 1, 291).

"if less . . . year"—a homoioteleuton in *A*, not recorded in the variants (*ibid.*, 148, lines 111-12).

"Grafts that do not take root," etc.—so, too, for planting and sinking a vine.

"Rabbi Simeon"—so *A* (cf. variants, *ibid.*, line 113; Sheḅī 2:6)

"The fruit of such planting"—that took root before the New Year.

"the fifteenth of Shebat"—with respect to the restriction of 'orlah, the New Year for trees (RH 1:1; B. *ibid.* 10a, and see Rashi, *ad loc.*).

## Chapter VIII

1. See Introduction, pp. 11f.

"for thirty days . . . life"—literally "to visit the dead up to thirty days." *A* reads *poḳērin*, a corruption of *poḳēdin* (see variants, SmH, 148, line 2); Raḥ Hai Gaon explains that *poḳēdin* takes the preposition 'al, in the manner of the Biblical *yippaqēd 'alehem*, "and be visited" (Num. 16:29, cited in ŠY, 23b). Note, too, that instead of "thirty" the variants read "three," a reading supported by many medieval commentators (SmH, *ibid.* n. 2; MLM, 1, 471, n. 2); moreover, "three" makes good sense in a non-Aggadic passage, "thirty" being taken as an *aberratio oculi* from Chap. 7. Nevertheless, *A* is upheld by a citation in the RABAN (ed. Prague, 1610), p. 84c; see RABIAH, ed. Aptowitzer (Jerusalem, 1935), p. 565, n. 3, and see WJV, 511 f., and notes.

"heathen practice"—*darke ha-'Emori*, literally "the ways of the Amorite," non-idolatrous customs forbidden because they are rooted in superstition (see Tos Shab, Chaps. 6-7, and TK, *ad loc.*; TE, 7, 707-16; on Amorites as masters of witchcraft, see JE, 1, 529 f.).

"to live"—*A* reads *hayah*, a corruption for *ḥayah* (*ibid.*).

"five"—the reading of all the variants, except *A* (*ibid.*, 149, line 4). The RABAN seems to transmit a conflated text: "he lived twenty years, sired children, and died later" (*loc. cit.*; and so YD, 394; and see *Jahrbücher*, p. 51f.).

"and died later"—so stated to show that this is no miraculous story of a person who went on to live forever (*Pērišah* to YD, *ibid.*).

2. See Introduction, pp. 14f.

"A canopy"—only *G* reads the plural so that the term agrees with its pronouns (*ibid.*, lines 5, 7, and 10). A canopy must have been constructed as part of the funeral bier of those who died as "brides" or "grooms." This is evident from the end of this Section, where it is stated that no benefit may be derived from whatever is hung on a canopy, it being assumed that it has come into contact with the bier (B. Sanh 48b; MT, xiv, 21-24 [203]). Cf. below, x, 23.

"that which is fit and that which is unfit for food"—*hebi'u 'oḳel*, literally "have produced food," namely, "ripe fruit" (SmH, 236, line 73); for an alternate explanation, see Rabbi Judah 'Ayyāsh, *Šeḥet Yēhūdah*, to YD, 350 (Livorno, 1783).

"Rabbi Judah says," etc.—one may not waste food by rendering it forbidden. For the law against wanton destruction, see below, ix, 23; and cf. viii, 4.

"loaves"—made of fine flour, that have not yet been baked, or that are burnt or mouldy (NY); on the term, *gēlusḳin*=*kollikios* [*artos*], see TK, 1, 66, n. 27.

"stripes of purple"—wool dyed purple (BM 2:1).

"lagenae or flasks." On *laḡinin*, "lagenae," see *Kēle*, pp. 251 ff.: on *šēloḥiṭ*, "flask," *ibid.*, pp. 453 ff. It may be that *šēloḥiṭ* (translated here by the plural "flasks," and emended in SmH) is a gloss that replaced *laḡinin* in all the MSS except *A*, where both became part of the text (*ibid.*, line 9).

"myrrh oil"—so *A*; all the variants, however, read *šemen 'areḥ*, a term appearing in Dem 1:3, which Maimonides explains by *šemen ham-mor*, the reading of *A* (*ibid.*, line 11), except that the scribe omitted the *waw* and vocalized the *mem* with a *patah*, mistaking the term for "bitter oil," in contrast to "sweet oil." In the Talmud *šemen ham-mor* is identified with the Greek *staktē* (B. MK 9b, and see Tosafot, *ad loc.*). On the subject, see I. Markon, "*Mor dēror* (Exod. 30:23) Explained by Saadya and His Successors," in *Saadya Studies*, ed. E. I. Rosenthal (Manchester, 1943), pp. 97-102.

3. Since the terms "bride" and "groom" (albeit deceased) were mentioned in Sec. 2 in a discussion of foods that may be used as deckings so as to stress the poignancy of the sorrow, the text now turns to those foods that may be strewn as symbols of fertility and abundance in order to heighten the joy of a wedding.

"Strings of fish and pieces of meat"—BM 2:1.

"the dry season"—spring and summer, when there is no mud on the ground and the food can be recovered (B. Ber 50b; Rashi, *ad loc.*).

"the rainy season"—autumn and winter, when the food would become soggy and spoil.

"truffles"—*pšariyyot*, appears only in *A* (*ibid.*, 150, line 15).

"cooked fish . . . sesame"—foods that are irretrievable.

"although a spoonful may be taken and cast"—i.e. a small measure of spoilage in honor of the bride and groom is permissible, but not *mēḥazbēzin*, "unlimited strewing." So *A*; the variants state that this was done with "parched corn and nuts" (*ibid.*, line 16; cf. B. Ber *ibid.*), an excellent reading, explained in two ways: a) the nuts were cast together with the spoon, or b) they were cast from the spoon and then caught in the spoon to prevent spoilage (TK, 5, 1014).

4. Tos Shab 7:16; B. Ber 50b; TK, 3, 99 f.

"Pipes may be made to flow," etc. It is difficult to visualize how this was done. On the basis of Tos Er 9:23, the interesting but somewhat remote conjecture has been made that these could be the same pipes which led rain water from the roofs to the public roads (*Kēle*, p. 466, n. 53).

"or that it is a squandering of food"—because the liquid is collected in a vessel at the spout (Rashi to B. *ibid.*). Most of the commentators, however, maintain that even if the wine or oil are lost, the practice is permitted, being essential to the joy of the day (TK, *ibid.*).

"Judah and Hillel"—the grandsons of Judah the Prince (TTA, 1, 373 f.; 2, 606 f. Cf. Introduction, n. 30).

"Zakkai"—*A* erroneously reads "Yannai" (cf. variants, *ibid.*, line 20; TTA, 1, 401).

"Cabul"—a city in Palestine (Josh. 19:27).

"the people of the city," etc. Cf. B. Ket 17a, where the same praises that were sung for brides were also sung to honor scholars. On this practice among the Romans, see *Kēle*, *ibid.*, n. 52.

The variants in SmH do not record that the preposition *šel* is omitted twice in *A* (*ibid.*, line 21).

5. Out of respect for a deceased king, the heifer that drew his chariot was disabled (Josh. 11:6, 9; B. AZ 11b; cf. below, note to Sec. 6; on how this is in keeping with the injunction against cruelty to animals, see Tosafot to B. *ibid.*). On the pagan practice of animal sacrifice at the grave, see *Psyche*, p. 167.

"fatally maimed"—*torēṣin*, i.e. animals may be rendered *ṭerefah*: in cutting the back sinews of the animal in order to disable it, a fatal injury may be inflicted that will cause the animal to become ritually unfit (cf. last note to vii, 13).

The parallel in B. (*ibid.*) states: "Hamstringing that involves *ṭerefah* is forbidden." While Rashi explains this to refer to the hamstringing itself, the Tosafot, on the basis of Tos Shab 7:20, maintain that it is merely the eating of such an animal that is forbidden (see TK, 3, 101). If the reading in A is correct, Sm represents an explicit rather than an implied tradition that at the death of kings even rendering an animal *ṭerefah* is permitted. I believe the reading of the variants, *šorēṣin*, "burning," to be erroneous, the letters *ṣet* and *šin* being often confused in the MSS; *ibid.*, line 22.

"at the death of kings"—literally "before kings." The parallel in Tos (*ibid.*) adds: "and this is not considered heathen practice."

"but benefit may be enjoyed from it." The carcass may be sold or fed to dogs.

6. It is forbidden to ride the king's horse, to sit on his throne, to use his crown, his scepter, or any of his personal effects; at his death, they are all burned for him (Tos Sanh 4:2). The parallel adds: "and this is not considered heathen practice" (Tos Shab 7:18; for a discussion of its variants, see TK, 3, 100). Cf. 2 Chron. 16:14; 21:19. For legal discussion, see S. Heller, *Ḳuntres ḳēḥod mēlaḳim* (Jerusalem, 1874); on burning the possessions of the dead among the Greeks, see *Psyche*, pp. 17 f., 23, and see n. 30.

"but not for Nešī'im"—on the other hand, Tos Sanh 4:3 (see Introduction, n. 84) and B. AZ 11b state that pyres are also kindled for Nešī'im, and that only in the case of commoners is the practice forbidden. See RIBAŠ, 158; TK, *ibid.*

"Rabban Gamaliel the Elder"—more correctly, his grandson, Rabban Gamaliel of Yabneh (RAŠAŠ to B. *ibid.*; and see A. E. Silverstone, *Aquila and Onkelos* [Manchester, 1931], p. 20; TK, 3, 100).

"Akylas"—i.e. Onkelos (Silverstone, pp. 147-60).

"eighty"—on the frequent usage of this number in Rabbinic literature, see TK, 3, 101, n. 50; the parallels read "seventy" (Tos *ibid.*; B. *ibid.*). According to B., the pyre consisted of the personal effects of Rabban Gamaliel (see *Yohāsin*, p. 107; and cf. *Mehḳarim*, 2, 104). Note, however, that Tos and B., in contrast to Sm, cite this incident in support of a ruling: "Pyres are kindled also for Nešī'im" (*loc. cit.*).

"Why did you do this?"—literally "What did you see?" Cf. below, xi, 6; Eq 6:3 (this usage is common to Tos). Cf. also Gen. 20:10.

7. The text now reverts to the case of the deceased bride or groom (Introduction, pp. 14f.). The early practice was to bare the faces of the rich, whereas those of the poor, black with hunger, were left covered. In order to avoid shaming the poor, it was then decreed that the faces of all corpses must remain covered (B. MḲ 27a). From Sm we learn that an exception seems to have been made in the case of the bridegroom.

"may be let down"—i.e. loosened in the manner of the virgin bride (Ket 2:1).

"inkwell." The reading of the MSS, *biryato*, is difficult (*ibid.*, line 31); it may be a thigh-band (Shab 6:4; Kal 1:7 [ed. M. Higger, New York, 1936, p. 131, line 40]; *Jahrbücher*, p. 52). Although this translation is based on the reading *dēyuto* found in the ROŠ (MḲ, 81), it should not be understood as an emendation, for why should the simple term be replaced by the *difficilior lectio* in all

the variants? Moreover, numerous objects that could be identified with either a thigh-band or an inkwell have been excavated from Palestinian tombs (JSGRP, 1, 165 and 168). In any case, items such as these were closely associated with the deceased in the eyes of the public, and were placed in the tomb to heighten the anguish.

"reed pen"—on writing with a *calamus*, see H. P. Pinner, *The World of Books in Classical Antiquity* (Leiden, 1948), p. 15.

"to intercalate the year"—above, note to iv, 14.

"Let seven elders be assembled." The year is intercalated specifically by those Sages invited for that purpose (B. Sanh 11a, and see Rashi, *ad loc.*, top; cf. P. Sanh 1:2, 18c).

"Eight came in"—in an upper chamber set aside for the court (*ibid.*).

"and found eight . . . authority"—omitted in *A* (cf. variants, *ibid.*, 152, line 34); its inclusion here should not be taken as an emendation, *A* being so understood in its elliptic form.

"Samuel the Little rose," etc. So that another person might not be shamed, he states, in effect, that it was he who entered without authority. As to why he was called *haḳ-Ḳaṭan*, "the Little," it has been suggested that it was because of his great humility, or perhaps to distinguish him from Samuel the Ramathite (P. Soṭ 9:14, 24b). This designation is common; the names "Judah the Little" (*Beth She'arim*, p. 137; the reference to Johanan ben haḳ-Ḳaṭan is erroneous) and "Anina the Little" (N. Avigad, *Excavations at Beth She'arim* [Jerusalem, 1955], p. 222) appear in burial inscriptions. The Aramaic counterparts of *haḳ-Ḳaṭan*, *zē'ira* and *zuṭra*, appear often as names in both B. and P.; on *ḳaṭina* or *ḳaṭtin*, however, see S. Abrahamson, in *Lēšonenu*, *Ḳoḇeš mēyuhād* (Jerusalem, 1954), pp. 66-70. Just as the name could indicate that a Sage was small or slight, it could also ironically allude to one who is of great stature (TK, 4, 759, lines 17-18, 18; see also TK, 3, 305, n. 26, and 308, n. 40).

"a ruling"—*hālakah* (on the etymology, see HJP, p. 83, n. 3), i.e. the question that is to follow (cf. P. Sanh 1:2, 18c). On the other hand, B. (Sanh 11b, and see Rashi, *ad loc.*) implies that he claims to have entered in order to learn the procedure of intercalation.

"What's wrong?"—so *A* (*ibid.*, line 36; cf. above, vi, 11; Gen. 21:17).

"Eldad and Medad"—Num. 11:26 ff. It is to the incident of these two, who, though selected to become part of the seventy elders, stayed back out of a feeling of inadequacy, that the Sage refers when confronted with the humility of Samuel the Little (Sif Num. 95; B. Sanh 17a).

"For all Israel knows," etc. Nevertheless, they did not intercalate the year that day, but turned to other matters, beginning again on the following day (P. Sanh *ibid.*).

"Samuel the Little asked"—literally "He said to him." The text supplies the answer to this question in the incident that follows.

"May the key and ledger of a dead man," etc. See Introduction, pp. 15ff.

"his key and ledger . . . eulogized him"—omitted in the elliptic text of *A* (*ibid.*, lines 38-39).

"Over him it is well to weep," etc. In place of this eulogy, the parallels record the lament: "Woe, O humble one! Woe, O saint, disciple of Hillel!" (Tos Soṭ 13:4; P. *ibid.*; B. Sanh 11a). The text cited in TH (33a) also cites two verses, Prov. 5:17 and Micah 7:8.

"the world's treasures"—so *A*; the variants read "all the world's treasures" (*ibid.* line 42).

"Thus spoke he," etc. During his lifetime, it was said of him that he was worthy of prophecy, save that his generation did not merit it (Tos Soṭ *ibid.*).

"Simeon and Ishmael," etc., will be slain by the sword. Tos adds: "and their colleagues, for death" (*loc. cit.*; MoC, p. 417, n. 5; ELM, pp. 29 ff.; TTA, 3, 1148b).

"And he said this in Aramaic." P. Soṭ (*ibid.*) states that those around him did not understand his prophecy.

8. The martyrology that continues until the end of Chap. 8 contains a nearly complete collection of what there is to be found in early Talmudic literature (MoC, appendix IV, p. 443).

"Rabban Simeon and Rabbi Ishmael," etc.—in fulfillment of Samuel the Little's prophecy.

"Son of the noble"—*berebbi* (see TK, 1, 73, n. 2); on the variant '*aḥrek*', see TK, 5, 1063, n. 68.

"bosom of the righteous"—a martyrological term indicating a period later than that of ARN (MoC, *ibid.* p. 444).

"like murderers and like Sabbath breakers"—Sanh 7:4; 9:1.

"If thou afflict them in any wise"—whether the affliction is severe or minor. Whereupon he replied: "You have comforted me, Master" (Mēḳilta, ed. J. Z. Lauterbach [Philadelphia, 1949], 3, 142).

"with the sword"—Scripture does not say "with My sword," the article "the" here indicating an unnatural death (TH, 90d).

"Some say"—*yeš 'omērim*, a *terminus technicus* generally referring to Rabbi Nathan (B. Hor 13b). Cf. ARN (ed. S. Schechter, p. 114 [YJS, 10, 159]), where the sequence is reversed: Rabbi Ishmael comforts Rabbi Simon, i.e. the *yeš 'omērim* of Sm. This passage in Sm may be suggested as a support to those who identify the author of ARN with Rabbi Nathan, the colleague of Rabbi Meir (see YJS, *ibid.*, 20-21).

"dire punishments are ultimately destined," etc. The death of the righteous augurs ill for the world (Tos Soṭ 10:1; below, Sec. 9).

9. "Caesarea"—*G* reads "Sepphoris" (*ibid.*, line 90).

"Judah ben Bētera"—so *A* (the variants read "Judah ben Baḥa," *ibid.*, line 61; see ELM, p. 44, n. 16).

"rent their clothes"—erroneously omitted in *A* and in SmH (*ibid.*; cf. variants, and parallel structure in Sec. 8).

"not because he was suspected of robbery"—according to GRA, the word "suspected" should be omitted; and although it is found in all the variants save *G*, it is so emended in SmH (*ibid.*, line 62; cf., however, NY). The reading makes good sense as it stands: Since the Sages looked to themselves for the cause of every affliction, the lament states that Rabbi 'Āḳiḇa was not only innocent of any crime, but also innocent of being suspected of any crime. Not for the slightest personal imperfection was he slain, but only as an omen of the tragedies to follow. Cf. the statement of Rabbi Reuben ben Istrobilos in B. Mḳ 18b.

"or because he did not put all his strength," etc. If a man is unable to find the cause of his afflictions in any of his actions, the Sages suggest: "Let him attribute them to his neglect in studying Torah" (B. Ber 5a). Even of this Rabbi 'Āḳiḇa could not have been guilty (cf. below, Sec. 13).



"councils"—the Greek *boulē*. *Jahrbücher*, p. 41, n. 89; A. Büchler, *The Economic Conditions of Judea after the Destruction of the Second Temple* (London, 1912), p. 28, n. 2, cited in SmH, 155, n. 68.

"Ye women that are at ease"—cf. Targum Jonathan to Is. 32:9 (NY).

"circuses"—the text is difficult; perhaps "fortresses" (cf. variants, *ibid.*, line 70; see A. Büchler, *loc. cit.*).

10. The parable illustrates the previous Section, the prudent being the righteous who leave the world in good time (cf. *Mēnorah*, 2, 89-91). Note that this Section and Sec. 11 are transposed, appearing after Sec. 12 in the other MSS (*ibid.*, 156, lines 80-92, and 159, line 104).

"Rabbi Meir," etc.—above, note to i, 4.

"bed"—a pun may be intended, the bed being used as a bier.

"I saw the Lord," etc. The verse echoes the parable as it grows in severity.

"because of"—*al yēde*; on this infrequent use of the preposition without the relative prefix *še*, cf. Ket 2:9; Rashi to Exod. 16:28.

"Therefore have I hewed," etc. I have departed from the JPS version so as to render the verse in its Midrashic sense.

11. Except for *A* and *M*, the MSS and the early editions state that the last son was also struck before he responded, "Chasten me!" and the text is so emended in SmH (157, line 84). This is unwarranted, for in the parallels the fourth son exclaims, "Why is the strap still hanging? Chasten me with it!" (MTeh, p. 216 [YJS, 13:1, 357-8]; Yalkut, 1608b). Moreover, the end of the parable in Sm clearly indicates that David had not been struck when he begged to be chastened: "Whereas David said to his Father"—the word "smitten," appearing in the cases of Abraham, Job, and Hezekiah, is omitted here in all the variants.

"Yesterday . . . me"—omitted in the elliptic text of *A* (*ibid.* lines 86-87).

"And Hezekiah prayed," etc. Cf. Is. 38:2.

"For should he have spoken thus?"—a rhetorical question unnecessarily emended in SmH (*ibid.*, line 91; cf. variants, 159, line 104; *A* is also supported by *S*, *L*, *M*, and the *editio princeps*).

"And have done that which is good," etc. It was presumptuous of him to have declared his own merits while being smitten (cf. Is. 38:33).

"Wash me thoroughly," etc. Cf. Ps. 94:12; Prov. 12:1.

12. Rabbi Hānina ben Tardion was seized for teaching Torah to public gatherings—a capital offense during the Bar Kochba rebellion. It is assumed that he could not have been seized by the Romans unless he had himself incurred this sentence before God for publicly teaching how to pronounce the Tetragrammaton (B. AZ 18a, and see Rashi and Tosafot, *ad loc.*; Sanh 10:1; Soṭ 7:6). The Talmud also suggests that he was unable to escape his punishment because he did not engage in acts of loving-kindness commensurate with his greatness (B. AZ 17b).

On *minuṭ*, "heresy," see MoC, p. 398, nn. 15-17. Its use in connection with Rabbi Hānina ben Tardion is generally thought to be erroneous (DS, 12, AZ, 21, n. 4; ELM, p. 47, n. 17). Nevertheless, the term appears in all the variants of Sm (*ibid.*, line 93; so too in *S*, *L*, *AB*, *AJ*, and the *editio princeps*), and although it is not found in our text of B. AZ 17b, it does appear in the Munich Codex, the Ubeda MS (ed. S. Abrahamson [New York, 1957], p. 30), and in the citation of Rabbenu Hānane'el. See the explanation of RABAD (*Peruṣ ha-RABAD*, ed. A. Schreiber [New York, 1961], p. 39); and cf. NY.

"his wife," etc. Her sin lay in neglecting to dissuade him from publicly teaching how to utter God's name (B. *ibid.* 18a).

"his daughter." On how the Sages explain her guilt, see B. *ibid.*

"to life in a pavilion of harlots"—a form of punishment commonly meted out by the Romans (MoC, p. 419, n. 14).

"*The Lord is righteous in all his ways*," etc. In Sif Deut., 307, Rabbi Judah the Prince marvels at the righteous members of this family who were able to collect their thoughts and cite appropriate verses of Scripture to justify the divine judgment. Cf. above, 2nd note to ii, 6; below x, 2; xii, 13. See Introduction, p. 27.

"*Great in council*," etc. In the parallels this verse is cited by the daughter (B. *ibid.*; cf. Sif Deut., *ibid.*).

"At the time of his execution," etc. Details of the torture, not found in Sm and Sif Deut., are supplied by B. *ibid.* (see MoC, pp. 419 ff.).

"a fire made by man," etc.—literally "a fanned fire rather than a fire that is not fanned (i.e. the fire of Gehenna)."

"Behold, the letters," etc. While B. (*ibid.*) then states that the executioner immediately repented and cast himself into the fire, Sif Deut. reports that a member of the "concilium" challenged the sentence of the proconsul and was himself threatened with death (*ibid.*; MoC, p. 418, n. 11). Note, too, that in M it is the daughter who exclaims: "I see the letters," etc. On the parchment and script as separate entities, cf. 3rd note to ix, 19.

13. What is emphasized in this Section and continued in Sec. 14 (cf. B. MK 21b), is Rabbi 'Āqiba's extraordinary ability to collect his thoughts at a time of great emotional anguish and to follow the dictates of the Halakāh. The law in this case is that the study of Torah is not to be interrupted for a dying man until the moment of death, it being assumed that there are others present to attend to all the patient's personal needs (note to xi, 7). After the person dies, it is necessary that the dead be honored, but even at such a time it is implicit in much of the narrative from Sec. 8 to the end of the Chapter, that one should make a statement justifying the divine judgment (see Introduction, p. 27). It was especially important that Rabbi 'Āqiba should not interrupt the study because, as head of the academy, his actions would be watched by all his disciples as a source of *hālākāh le-mā'āšeh*, i.e. practical application of the law (see Introduction, n. 106).

"dying man"—literally "deceased."

"neglect his academy." A appears to read *niṭṭal*, not recorded in the variants in SmH, which we have taken to be a scribal error for *batel* (cf. Ab 1:5), the roof of the letter *bet* not having been filled in, with the resulting appearance of the two letters *nun* and *yod*. The variants, on the other hand, read the *pi'el*, *biṭṭel*, not followed by the inseparable preposition *mem*, which is to be rendered "suspend his academy" (*ibid.*, 160, line 106).

"arranged for messengers to stand by"—literally "entrusted him to the hands of messengers." The verb *piḳḳeḏ* is to be taken to mean "entrust," in the sense of a pledge; although normally found in the *hi'fil*, it does occur as a denominative of *paḳiḏ* (Jastrow, 2, 1206; see also Tos BḲ 8:4, 7, and note variants on p. 361, lines 9 and 18).

"very ill"—*niṣ'an*. See Targum Jonathan to 2 Sam. 12:15 (*Aruch*, 4, 55). Professor Lieberman directs my attention to an early piyyuṭ where the term alludes to the condition of the illness of Hezekiah, *halak la-muṭ*, "sick unto

death" (2 Kings 20:1; *Studies of the Research Institute for Hebrew Studies in Jerusalem*, 4 [1938], 224). Note, too, that *A* transmits a dittography for "and said: 'He is very ill'" (*ibid.*, line 107).

"Carry on!"—literally "Ask!"; probably a *terminus technicus* of the academy, indicating that the questioning and discussion should begin.

"study"—*talmuḡ*; so *A* and *M*. In SmH this reading is unnecessarily abandoned for that of the variants (160, lines 108 and 111).

"He is dying . . . said"—its omission in *A* is a homoioteleuton (*ibid.*, lines 108–109).

"He is gone"—*hišlim* (on the term, see S. Lieberman, "Roman Legal Institutions," JQR, 35 [1944], 49–52).

"to honor"—so *A*; the variants, including *M*, read "to bury" (*ibid.*, line 112).

"at the cemetery"—*min haḳ-ḳēḅarot*; *min* is probably a corruption for *ben* (in the MSS the letters *beṭ* and *yod* are easily fused into a *mem*). This reading, which is preserved only in *A* (*ibid.*, line 13), indicates that we are dealing with a Palestinian MS (see S. Lieberman, "Review of the Mekilta," KS, 12 [1935], 56).

"They brought out . . . cemetery"—so *A*. Its omission in the other variants (including *M*) is probably a homoioteleuton, although it may represent a dittography in *A*, the *yod* and *waw* of *li*, "for me," and *lo*, "for him," being confused in the MSS (*ibid.*, line 113).

"upon which he sat." The parallel states that he stood on the bench (B. *ibid.*).

"and preached"—so *A*, which is supported by *M*. In SmH this reading is unnecessarily abandoned for that of the variants which add *wē'-amar*, literally "and said" (*ibid.*).

"'Āḳiḅa'"—"Rabbi 'Āḳiḅa" in all MSS (*ibid.*, lines 115 and 116) except *M*, where the title "Rabbi" is omitted. Since the Sage is speaking of himself, this omission in *M* makes for an excellent reading and has been adopted for the translation. Note that it is also supported by the parallel (B. Mak 21b).

"But how do . . . 'Āḳiḅa'"—its omission in *A* is a homoioteleuton (*ibid.*, lines 115–116).

"But how do the women and children"—who do not attend the academy know Rabbi 'Āḳiḅa.

"But"—*'ella*; *A* and *M* read: "He said to them"; the translation of the variant is not to be taken as an emendation.

"for the sake of Torah"—so *A*, supported by *M*. In SmH this reading is unnecessarily abandoned for that of the variants, *li-ḳēḅod*, "for the honor of Torah" (*ibid.*, line 117).

"even if I had had seven sons." In the parallel which states that two sons had died, he is reported to have said that even if they had been "bridegrooms" (Introduction, pp. 14f.), he would still have been comforted (B. *ibid.*).

"cannot be an instrument for sin"—so that he might not go down to Sheol, while his disciples inherit the world to come (Tos Yoma 5:10, and see TK, 4, 827; ARN, p. 120 [YJS, 10, 164]).

"is not given the occasion to repent"—so that he might not inherit the world to come, while his disciples go down to Sheol (*ibid.*).

"He executed the righteousness of the Lord," etc.—Rashi to Ab 5:18.

14. "in the wilderness"—*M* alone reads "and the generation of the wilderness."

"the alternate Paschal sacrifice"—Num. 9:1–14.

"the Section dealing with inheritance"—Num. 27:1-11; 36:1-13.

"the blasphemer"—Lev. 24:10-17.

"Zelophehad"—so *A*; the other variants read *mēkošeš*, "the gatherer of sticks (on the Sabbath day)" (*ibid.*, 163, line 139; Num. 15:32-36). In Rabbinic literature the *mēkošeš* is identified with Zelophehad (Sif Num., 113; B. Shab 96b).

"the Sabbath breaker"—literally "the gatherer" (see preceding note).

"Balaam"—Num. 22:5 ff. It is assumed that he counseled the Midianites on how to lead the Israelites astray (Num. R. 20:23; P. Sanh 10:2, 28d; B. *ibid.* 16a). On the variant reading (*ibid.*, line 40), see NY; *Jahrbücher*, p. 53.

"Jeroboam"—see Sec. 13, end.

15. B. Ta 18b; SmH, 164, nn. 145 and 147. For a discussion of this incident, see L. Finkelstein, "The Ten Martyrs," ELM, pp. 37-39.

"Hananiah, Mishael, and Azariah"—Dan. 1:6-7; 3:19 ff.

"But you are a wicked king . . . performed"—its omission in *A* appears to be a homoioteleuton (*ibid.*, 164, lines 148-49; cf. ELM, p. 39, n. 8).

"the Lord has many destroyers"—its omission in *A* is a homoioteleuton (*ibid.*, lines 150-51).

"many bears," etc. *G* omits the animals, whereas other variants record different listings (*ibid.*, 165, line 151).

"kill us . . . killed"—so *A*. Instead of this, the variants read: "But when we die, you will know that we are the descendants of Hananiah, Mishael, and Azariah" (*ibid.*, lines 151-53).

"ordered them killed"—literally "killed them."

"they hardly stirred from there," etc. *A* reads the verb erroneously in the singular (*ibid.*, line 153). The parallel in *B*. states that before the brothers had time to move, deputies arrived from Rome and bashed in Trajan's head with clubs (*ibid.*).

16. "Those who probed Scripture for its symbolic meaning"—*doṣe ḥāmurot*; on the term, see *Aruch*, 3, 218; SmH, *ibid.*, n. 155.

"neither innocent"—the variants do not record that *lo*, "neither," is omitted in *A* (*ibid.*, 166, line 158).

"imposes a penalty"—literally "states."

"a force for evil"—literally "causes his fellow to sin"; *A* erroneously omits "causes to sin" (*ibid.*, line 159).

"Lest the animal should walk by the market place," etc.—an additional explanation why the animal is executed (Sanh 7:4; NY).

"path of sin"—so *A*; the variants read, "path of death" (*ibid.*, line 166; cf. above, line 160).

"from it the sword is made." *A* reads *šemmi-ḥereḥ na'āšet*, "because it is made of the sword"; if the altar were made of iron, it would, in effect, be made of the sword. The scribe, however, probably meant to write *šem-mimmennu ḥereḥ na'āšet*, "because from it the sword is made," a reading in keeping with the variants (*ibid.*, line 169).

"forgiveness . . . forgiveness"—so *A*; the variants, however, read "blessing" in both cases (*ibid.*, lines 170 and 171).

"perfect . . . peace"—*šēlemot* (usually rendered *unhewn*) . . . *šalom*, both derived from the same root *šlm*.

## Chapter IX

1. The honor due to a teacher of wisdom (*ḥoḥmah*) is considered to be greater than that due to a father—for one brings a child to life in this world, whereas the other brings it "to life in the world to come" (BM 2:11). Note that the teaching of *ḥoḥmah* in this Section refers specifically to Mishnah, i.e. the teaching of its reasoning, enabling the student to explain the law consistently (Rashi to B. BM 33a). Although Sm simply states that *rabbo* is the teacher who had taught him *ḥoḥmah*, the Sages disagree as to whether the student had to receive the major part of his training from him (BM 2:11; Tos *ibid.* 2:30; P. MḲ 3:7, 83b, and parallels). Cf. below, Sec. 19; MT, ix, 2 (187), and RADBAZ, *ad loc.*

"at the death of," etc.—literally "for all other dead." When this phrase is used again (below, Secs. 3–15), it refers specifically to relatives other than father and mother for whom one is obligated to mourn (above, iv, 1).

"scholar"—*ḥaḥam* (see note to the next Section). This reading is in contrast to that of the parallels which state that at the death of a scholar or an *'adam ḥašer* (a virtuous man), even those not standing by must rend their clothes. Furthermore, if one is present at a death, rending is mandatory even for a person not distinguished by learning or piety (B. Shab 105b; MḲ 25a; Tos MḲ 2:17; and see Meiri to MḲ, *ibid.*, p. 141, n. 1). Naḥmanides emends Sm to bring it in line with the parallels (TH, 16a; for discussion, see SmH, p. 41). The Geonim also state that in the case of a martyr all Israel must rend, and suggest as an added measure of respect that his widow should never remarry, adding, however, that if she does, the marriage need not be terminated (*Sefer ham-miḡša'ot*, cited in *Oṣar*, 4, *Mašḡin*, 47).

2. "bare an arm"—*ḥolṣin*, i.e. his arm and shoulder, during the procession (MT, viii, 3 [185]). While most of the commentators explain that the shoulder and arm were bared at the place in the garment in which the rent was made, others state that they were laid bare elsewhere (cf. Rabbenu Ḥanane'el, who seems to support the former view in B. MḲ 22b, and the latter in B. BḲ 17a). See Introduction, p. 13.

"at the death of a scholar"—here everyone is considered family, and everyone must rend his clothes and bare his arm (Tos MḲ *ibid.*).

"a disciple." While Sm states that everyone must bare his arm for a disciple as well as a scholar, P. states this ruling only with regard to rending (MḲ 3:7, 83b; on the title *talmiḏ ḥaḥamim*, "disciple of the wise," see YK, pp. 22–23).

"Ḥaḥam"—cf. below, x, 13. It has been suggested that "every ordained scholar, whether a member of the Great Sanhedrin or not, bore the title" (H. Mantel, *Studies in the History of the Sanhedrin* [Cambridge, 1961], p. 129, n. 191). On the deference to be shown to this office, see P. Bik 3:3, 65c; Hor 13b. On the subject see Frankel, p. 88, n. 4, and p. 163.

"*Aḥ beḏ din*"—literally "Father of the court," the vice-president of the Great Sanhedrin. Cf. below, x, 13; P. and B. *loc. cit.* See Frankel, *ibid.*; Strack, p. 107, n. 30; TE, 1, 10. On the antiquity of the title and the history of the office, see H. Mantel, pp. 103–29.

"the left arm must be bared." Since the garment covered more of the left arm

and shoulder than it did the right, in the manner of the Greek himation, it was more discernible that this was an act of mourning (*Siṭṭah-II*, p. 97).

"*Nasi*"—the president of the Great Sanhedrin. Cf. below, x, 13; P. and B. *loc. cit.* See Strack, *ibid.* For a comprehensive study, see H. Mantel, pp. 1-53; 175-253.

"Eliezer"—A and G read erroneously "Eleazar" (*ibid.*, 169, line 7; above, note to vii, 1).

"Rabbi 'Ākiba bared both arms," etc.—although he refrained from doing so in the case of his father (see next Section). The parallel states that when he came upon the procession carrying the body from Caesarea to Lydda, "he rent his clothes and tore at his hair, and his blood ran down to the ground" (ARN, p. 81 [YJS, 10, 110]; B. Sanh 68b). As to how this is in keeping with the injunction of Lev. 19:28, see Introduction, p. 24, n. 119.

"My master," etc. A reads "my master" only once (cf. G), whereas the other variants and parallels read: *My father, my father* (2 Kings 2:12; SmH, *ibid.*, line 8; ARN, *loc. cit.*). In B. (MḲ 26a) the exclamation of Elisha and its "translation" by Rab Joseph—"My master, my master, whose prayers are better for Israel than horsemen and chariots" (cf. Targum Jonathan to 2 Kings, *ibid.*)—are cited to support the ruling that the rent made for one's teacher must never be completely mended (cf. below, Sec. 19).

"money-changer"—to determine the true value of each coin (BM 4:6). Rabbi 'Ākiba had acquired much Torah, but needed Rabbi Eliezer to help him understand it.

3. Secs. 3-15 list the added restrictions the mourner must assume in the case of his father or mother. Cf. P. MḲ 3:8, 83d; B. MḲ 22a and b, and see Tosafot, *ad loc.*; MT, vi, 7-9; viii, 3 (181, 185).

"wish to." A reads *hozer*, which is difficult; perhaps in this context, "anxious to." The variants read: "if it is not proper for him to bare his arm," i.e. if he is a scholar and it is not fitting that he appear in public with arm and shoulder bare (*ibid.*, lines 10 and 11; TH, 18a).

"Now, it happened," etc. The incident serves to strengthen the ruling (cf. Tosafot, *ibid.*).

4. Rending a garment by hand suggests that the anguish is greater, this being required in the case of a parent. If, however, he cannot do so by hand, he may begin the cut with a knife and finish rending by hand (Meiri, p. 130, n. 5).

"may rend . . . may not rend"—A erroneously reverses the order (*ibid.*, line 13).

5. In the case of other close kin a rent of "three fingerbreadths" (Sec. 6) or a "handbreadth" is sufficient. For a parent, however, one must rend until the breast is bared, since he is no longer able to fulfill the commandment to honor his parent (P. MḲ. 3:8, 83d). See B. *ibid.*, 22b; P. *ibid.*, 3:7, 83b.

6. "he need not cut through the selvage"—his obligation being discharged by rending below it (B. and P. *ibid.*; MT, viii, 2 [184]).

"The initial rent"—A erroneously reads the construct state of "rent" (cf. variants, *ibid.*, 170, line 18).

"three fingerbreadths"—above, note to Sec. 5.

"its extension," etc.—for another case in which rending is required.

"may not . . . beyond"—A and G read *al*, in the sense of *ad*, "up to" (*ibid.*, 170, line 19; cf. Ps. 19:7; 48:11).

"As for minors," etc. See Introduction, p. 14.

"as a sign of respect," etc.—e.g. at the death of a scholar (above, Sec. 1; B. M $\ddot{K}$  25a, and Tosafo $\ddot{t}$ , *ad loc.*; MT, ix, 12 [189], and see KM *ad loc.*).

"undergarment"—*efkarsin*, a metathesis of the Greek *episarkion*; on the term, see S. Lieberman, "Roman Legal Institutions," JQR, 35 (1944), 2.

7. In deference to modesty many laws are modified when they are applied to a woman (below, note to xi, 1).

"even if he is wearing a hundred," etc. The hyperbole is reduced to ten in the parallels (P. M $\ddot{K}$  3:8, 83d; B. *ibid.* 22b).

"rend only the"—*A* erroneously reads 'af for 'et (*ibid.*, 171, line 23).

8. This Section appears in *A* and *G*, and is omitted from all the other MSS and the *editio princeps* (*ibid.*, lines 26–29). Cf. P. M $\ddot{K}$  3:5, 82b; B. M $\ddot{K}$  22b; MT, ix, 1 (187).

"should baste"—so long as the rent remains discernible.

"after šib'ah . . . after šelošim"—not necessarily after, but even on the seventh and on the thirtieth day respectively (P. *ibid.*).

"and mend"—i.e. sew it completely (for a definition, see below, Sec. 18).

"for his father . . . never mend it"—so *G* (cf. B. *ibid.*). The reading of *A* is difficult: "if he does not mend, he does not mend forever" (*ibid.*, lines 26–27). Perhaps this is what is meant: after stating that a garment (rent not for a parent) may be mended after šelošim, the text says that if he does not wish to, he need never mend it. But this is not so in the case of a woman, who must mend after šelošim, or, according to Rabbi Judah, after šib'ah.

"A woman"—even if she is mourning for a parent.

"Rabbi Judah"—note that while he seems to adopt the more stringent ruling in Sec. 7, here he is more lenient.

9. B. M $\ddot{K}$  22a; Sanh 6:5; MT, iv, 7, 8 (175).

"make the funeral elaborate"—by multiplying shrouds and prolonging the eulogy (Rabbenu Ḥanane'el to B. *ibid.*, 22b; *Šittah-II*, p. 93). If to honor the deceased, he may even let the corpse lie unburied overnight (below, xi, 1).

"on Sabbath Eve"—and it is desired to complete the funeral before sundown, so as not to have to postpone it until after the Sabbath (*Šittah-II*, *ibid.*).

"rain . . . on the bier." A funeral marred in any way (e.g. by rain or insufficient time for a eulogy) was regarded as a good omen for the deceased, the disgrace being taken as a penance (B. Sanh 47a; cf. above, note to ii, 6).

10. See above, notes to vii, 10; P. M $\ddot{K}$  3:8, 83d.

"and"—although the *waw* has been rendered by the conjunctive, it can also be translated by the disjunctive "or" (above, note to iii, 1). As a result, it is not clear whether both conditions must be satisfied, i.e. the approach of the festival and the rebuke of his friends, or whether either one is sufficient (Tosafo $\ddot{t}$  to B. M $\ddot{K}$  22b; *Šittah-II*, p. 94).

"get after him"—i.e. rebuke him for not wearing them.

11. See above, notes to vii, 11; B. M $\ddot{K}$  22b, and see Tosafo $\ddot{t}$ , *ad loc.*; P. *ibid.*; MT, vi, 3 (180), and see KM, *ad loc.*

"until the festival approaches"—so *A*, which could be an *aberratio oculi* from the previous Section; the variants read, "he must let his hair grow long" (*ibid.*, 172, line 38). See *Šittah-II*, p. 94, n. 9.

12. This Section, found only in *A*, adds little to Sec. 9. If, however, *marbeh*,

"elaborate," is an *aberratio oculi* for *mēma'eṭ*, "reduce" (*ibid.*, line 40), the text takes on new meaning, requiring this translation: "For all other dead, he should reduce (his activity in trade). If he wishes, he need not reduce it. For his father and mother, he should reduce it until . . ." This text would then be parallel to B. (MḲ 22a, bottom), transmitting a ruling not repeated in Sm, for Sec. 14 is not found in *A*.

As to the problem of how a mourner may engage in trade (above, v, 1), see Rabbenu Ḥanane'el, MḲ 22b, top; RITBA, p. 109.

"keep the funeral preparations to a minimum—literally, "reduce."

13. This Section is found only in *A*; cf. above, vi, 4.

"Join them!" *A* erroneously reads the letter *mem* before 'immahen (*ibid.*, line 42; cf. P. *loc. cit.*).

14. This Section, not found in *A*, appears in the other MSS (SmH, 173, lines 43-44; cf. P. *ibid.*). Although both Secs. 12 and 14 are presented in the translation and the text, none of the MSS include both of them, and its inclusion here should not be taken as an emendation.

15. P. MḲ 3:8, 83d; B. MḲ 22b; MT, vi, 6-7 (181).

"it is to celebrate a religious occasion"—a banquet which is a *miṣwah*, i.e. a wedding, a circumcision, or the sanctification of the new moon (P. *ibid.*; Tosafot to B. *ibid.*). Note that the MSS transmit the verb "is" in the feminine (*ibid.*, line 46).

16. This Section is thought to be lacking in authority, as it is not found in the Talmud and is omitted in the early codes (BY to YD, 340, *s.v. tanya*; see Tosafot to B. MḲ 26b).

"If a man is told"—literally "They said to him," understood in *A*, and explicitly stated in the variants (*ibid.*, line 48).

"That his mother . . . he has not." Cf. SmH (*ibid.*, line 49), emended on the basis of the Tosafot (*loc. cit.*; and see BY, *loc. cit.*).

"one of the relatives"—*A* erroneously reads "his brother" (*ibid.*, line 50).

"he has met," etc.—*yāṣa'*; *A* erroneously adds a *waw* at the beginning of the word (*ibid.*).

"his father"—*aḥiḡ*: the letters of this word are easily fused to read 'immo, "his mother," the erroneous reading of *A* (*ibid.*, line 51).

17. The second part of this Section is difficult (see NY, and note its omission in *G*, *ibid.*, lines 54-56). This translation is a conjecture that assumes a ruling not discussed in Sm: "In case of another death during *šib'ah*, one must rend anew; after *šib'ah*, one need only add to the old rent" (B. MḲ 26b). Cf. MT, which also seems to suggest this understanding of the text (viii, 9, 10 [186]), and see P. MḲ 3:7, 83c.

"for both of them"—omitted in *A* (*ibid.*, line 52).

"Ben Tema says," etc.—i.e. Judah ben Tema, see variants (*ibid.*). In case of another death it is not fitting to add to the rent previously made for a father or mother. Cf. the statement of Rabbi Judah ben Bēṭera in B. *ibid.*; and P. *ibid.*

"and he rends again"—i.e. after the first *šib'ah* has been completed.

"he should leave a space," etc. If he had used up all the space in the front of the garment, he should reverse the garment and rend the back. When this is all used up, he should turn the garment upside down and rend. After this, he is to be considered "a person clad in tatters" (see next Section; P. and B. *loc. cit.*).



18. This Section contains several scribal errors in *A*: "has not fulfilled . . . sides" is a homoioteleuton; and so is "Rabbi Judah . . . should" (*ibid.*, lines 58-59; 170, line 60); the reading, "Whosoever rends . . . *ḥarīḏ*" is also corrupt (*ibid.*, lines 60-61). On the terms, see A. Brüll, *Trachten der Juden* (Frankfurt, 1873), pp. 37-47.

"between the two seams of the neck." *A* reads *ḥumšiyyoṭ*, "red-colored garments" (B. MḲ 23a; A. Brüll, *op. cit.*, p. 73), an improbable reading, which could, however, be a corruption for *ham-mori'ot*, which Nahmanides explains as the two seams on the right and left of the garment (TH, 19a; cf. *G*, *ibid.*, line 58; and see *Aruch*, 1, 126 f.).

"at the bottom"—cf. Hor 3:5, and B. *ibid.*, 13a; P. MḲ 3:8, 83d.

"at the sides"—i.e. under the arms (BY to YD, 340).

"Harsum"—on this personal name see *Aruch*, 3, 497. The suggested reading of Jastrow (1, 504) finds no support in the variants (*ibid.*, line 58) or in TH.

"A person in tatters"—*A* erroneously reads "a minor clad in tatters" (*ibid.* line 59; B. Meḡ 24b).

"a woolen cloak"—the Greek *birros*. See also p. 169 below.

"the woof"—Kel 21:1, and see Maimonides, *ad loc.*

"the basting"—i.e. a rent that had been basted, not mended.

"patchwork garment"—*ḥarīḏ*, an obscure term; perhaps the *ḥāraḏoṭ* of Ezek. 26:16 (Levy, 1, 106; Dr. Nemoy kindly directs me to this derivation). See Ben Yehudah, 3, 1740, n. 3.

"has not fulfilled his obligation"—and if the time for rending has not passed, must rend again (MT, viii, 6 [185]).

"That which is mended completely"—i.e. the rent is no longer discernible

19. See DS, 6 (MḲ), 96, n. 50; for supporting verses, see P. MḲ 3:7, 83b; B. *ibid.*, 26a; and cf. MT. ix, 1-10 (187-189); III, ix, v, 16-18 (YJS, 14, 452).

"Torah and wisdom"—so *A*, which may be a conflation (cf. *G* and the other variants, *ibid.*, line 64; above, note to Sec. 1).

"the burning of the Torah"—if one sees the Torah being wilfully torn, he must make two rents: one for the parchment, the other for the script (P. and B., *ibid.*). Cf. last note to viii, 12.

"evil tidings"—a catastrophe involving the majority of the community (*ibid.*).

"the profanation of the Name"—by Jew or heathen. Rabbi Johanan and Resh Lakish disagree on whether the practice should be continued, the former claiming that since blasphemers have multiplied, one should no longer rend for blasphemy (P. *ibid.*).

"a *Nasi*"—B. (*ibid.*) adds "the cities of Judah," i.e. in their desolation.

"For evil tidings—that are as," etc.—a limitation of what was said above.

"Zofim"—the commentators disagree as to whether this refers to a specific place (perhaps Mount Scopus) or any place from which a person can see the city, with his vision not blocked by hills (Rashi and Tosafot to B. Pes 49a; cf. Tos *ibid.* 3:12 and see TK, 4, 529 ff.). In any case, "seeing Jerusalem from Zofim" must mean either seeing the Temple and the city or perhaps just the Temple alone (see Tosafot ascribed to Rabbi Judah the Pious printed in *Bēraḳah meṣul-lešet* [Warsaw, 1863], 37a). If one's view of the city is from Mount Scopus—which lies northeast of the city—he would of necessity see the Temple. Only then is the next ruling clear: He extends the tear on entering the city, having already

rent his garment for the Temple. If, on the other hand, he enters the city from the South or West, he would have to rend first for the city, and then make a separate rent for the Temple (see parallel in P and the discussion in B, *ibid.*).

"For evil . . . interval"—omitted from the elliptic text of A (SmH, 176, lines 68–70). Whosoever goes up to Jerusalem after an interval of thirty days must rend (see GRA and NY).

20. Tos BM 8:28; B. MḲ 26b; MT, viii, 7 (185).

"a torn shirt"—A omits "torn," the reading of the variants, and clearly the meaning of the text without emendation (*ibid.*, line 72).

"the kind of rent that may be mended"—i.e. not one of those mentioned in Sec. 19.

"heathens"—Tosafoṭ to B. *ibid.*, s.v. *kaḳ*.

"sewn"—*lē-tofran*, literally "to sew them"; in SmH a *waw* is unnecessarily added to the beginning of the word in the face of all the variants (*ibid.*, 177, line 75). In the citation of TH (66b), the text reads *lē-ḥafoṭan*, "to fold the border," a reading which is also supported by the *Miḳtam* (p. 343). This reading has much to recommend it: it is the *difficilior lectio*, which nevertheless fits the context better once it is understood. One might have thought that although the rent itself may not be mended, the entire border of the garment at the neck may be folded over, the length of the rent, and sewn again into a new hem. The rent in the garment then remains, save that it is concealed inside the new hem which is then turned upside down. Even this is forbidden by Rabbi Simeon.

21/22. B. *ibid.*; MT, viii, 6 (185). A departure from the sequence of Hālaḳot found in A is unwarranted (*ibid.*, line 81).

"robs the dead"—and the living, by deceiving them into thinking that this is a new rent (B. *ibid.*).

"immediately thereafter"—i.e. within the time it takes a student to greet his teacher (P. MḲ 3:7, 83c), the Talmudic equivalent of "as long as it takes to say Jack Robinson."

23. See Introduction, pp. 25f.; B. Sanh 48a and b; P. Meḡ 3:1, 73d; above, 2nd note to viii, 2. It is forbidden to derive any benefit from anything acquired by the deceased, i.e. all objects touching the coffin excepting the tools used for burial (ŠŠ, p. 40; TH 31b; SmH, 245, n. 51).

"coffin . . . coffin"—the reading of all the variants except A, which reads "ground" (SmH, 178, line 88; P. *ibid.*; RIF to MḲ, 244; and TH, *loc. cit.*).

"they may not be retrieved"—lest they be interchanged with the shrouds (B. Sanh 48b).

"transgresses the injunction," etc.—derived from Deut. 20:19 (see TE, 3, 335 ff.).

"He disgraces him"—erroneously omitted in A (*ibid.*, line 91).

"It's more," etc.—literally "He multiplies worms upon him." Cf. below xii, 9; Ab 2:7.

"clothes"—*ḳeṣuṭo*; the reading of A appears to be a corruption of this term (cf. variants, *ibid.*, 170, line 92).

"stand as a garment." The verse is taken to imply that the dead will rise in the same condition as before, including even their clothes (see P. Kil 9:4, 32b; Rashi to B. Sanh 38a, s.v. *tiḥappeḳ*; M. Gaster, *The Exempla of the Rabbis* [London, 1924], p. 15, and see index, p. 189).

## Chapter X

1. Although the text speaks of an *'aḥel*, "a mourner," in this Section, the *'onen* is clearly meant (above, 2nd note to ii, 6), the term *'aḥel* being used to include either case in Sm (below, Sec. 3) and P. (Ber 3:1, 6a; MḲ 3:5, 82b); cf., however, B. (Ber 18a; MḲ 23b).

"his dead lies unburied"—i.e. the obligation of burying his dead is upon him. For a discussion of the reading "before him" see B. Ber *ibid.* That this is also the reading of B and H is not indicated in SmH, 179, line 2.

"the *Tēfillah*"—literally "the Prayer," *par excellence*, i.e. the Eighteen (later Nineteen) Benedictions (Ber, Chaps. 4-5; on the history, see Louis Finkelstein, "The Development of the *'Amidah*," JQR, 16 [1926], 1-43, 127-70).

"*Tēfillah* . . . *tēfillin*"—only A includes both terms (cf. variants, lines 2 and 3, and see DS, 1, 83, n. 1).

"from all the commandments"—i.e. positive commandments (see DS, *ibid.*).

"to exact more of himself"—and fulfill all the ritual.

"because of the honor due to the dead"—since he must devote all his attention to the needs of the dead, he should not be distracted by other obligations, even if the funeral arrangements have been prepared by others (P. Ber 3:1, 5d).

2. On justifying the divine judgment, see 5th note to viii, 12; *Massekṭot zē'iroṭ*, ed. M. Higger (New York, 1929), p. 76, lines 13-14; SmH, p. 80.

"For the least part of my sins," etc. This kind of prayer is forbidden, lest Satan should be given an opening (B. Ber 19a).

"this breach." Death is described as an event introducing a period of uncertainty that continues for a year, except when a male child is born in the family during that time (P. MḲ 3:7, 83c; above note to vi, 2).

"on behalf of the deceased"—that his sins may be forgiven. Professor Lieberman points out to me that 2 Macc. 12:44 ff., and Sif Deut. 210, are two early sources showing that offerings may be made for the dead so that their sins would be forgiven; see HIDA, *Ša'ar Yosef* (Livorno, 1756), 54b.

3. See above, note to Sec. 1. MT, iv, 6 (174-75).

"a partition"—at least ten handbreadths high (B. MḲ 23b).

"recline while eating"—on his left side, leaving the right hand free for use in eating (Rashi to B. Ber 17b). On banquet etiquette, see Tos Ber 4:8, and see TK, *ad loc.*, 1, 62; and cf. Smith, p. 1157.

"eat his fill"—or drink his fill (P. MḲ 3:5, 82b).

"Nor should one say to him," etc. If he pronounces the blessing, others may not respond "Amen," nor may he respond if others pronounce the blessing.

"is as if he were not a mourner"—and is also permitted the marital bed (B. Ber 18a; MḲ 23b; P. *ibid.*).

4. Sufficient time had to be allowed for the recitation of the *šema'* and the *Tēfillah* (P. Ber 3:2, 6b; TH, 33c). If, however, the funeral has already begun, it is not to be interrupted (B. Ber 19a). Moreover, in the case of a Sage—it being unseemly that anything be done before his burial—the funeral may commence even close to the time for the *šema'* (B. *ibid.*; TH, *ibid.*; MT, II, 1, iv, 4).

5. This Section deals with the case in which the people had thought that they

had enough time for the recitation of the Šēma' but found that they did not (P. *ibid.*), the text being reconciled with the previous Section.

"and are forbidden . . . Šēma'"—its omission in all the MSS is a homoioteleuton emended in SmH (181, lines 19–20) according to TH (33d; cf. Ber 3:1. Cf. P. Kahle, "The Mishnah Text in Babylonia," HUCA, 10 [1935], 200, and n. 5).

"forbidden to wear shoes"—lest the straps should snap and the procession should be detained (P. *ibid.*), or perhaps out of respect for the public (HH, p. 28, n. 8).

"Both the former and the latter" etc. Cf. Ber 3:1, and see Rashi and Tosafot, *ad loc.*

6. Ber 3:2; MT, II, 1, iv, 4. All the variants of this Section are difficult (NY; ŠY; SmH, *ibid.*, lines 23–24). This text and translation are based on an emendation suggested by Professor Lieberman. The original reading may have been 'in 'en, literally "if not," i.e. "if they are unable." The second 'in was then dropped as a haplography and the first was changed to 'im (cf. TK, 1, 221, lines 65–66, and see n. 46). A more involved emendation involving a transposition of the text finds no support in the MSS or TH (*ibid.*).

"to go through the Šēma'"—or even through a paragraph or a sentence (B. Ber 19a).

7. Tos Ber 2:11, and see TK, 1, 18–20; B. Ber 19b; P. *ibid.* 3:2, 6b.

"inner line"—above, note to ii, 1.

"facing the mourners"—meaning that the person "seeing the face" or "showing his face" wishes to share in the mourner's grief, the term being used in the case of a wedding, where it means that the person wishes to share in the joy of the bride and groom (TK, *ibid.*; cf. above, note to vi, 3).

"the outer line is required," etc.—they being present as a sign of respect, not because they wish to comfort the mourner and to share in his grief.

"share in the grief"—literally "for the sake of mourning" or "for the mourner's sake."

"those standing out of respect," etc. It is not enough that one stands in an inner line, the term "show the face" being used to indicate also an act of deference (TK, *ibid.*, 19, s.v. *lē-šēm*). According to Rabbi Judah, he is not exempt unless he has come specifically to comfort the mourner and to share in the anguish.

"As for the . . . exempt"—erroneously omitted in A (cf. variants, SmH, 182, line 27).

The discussion now briefly reverts to the time before burial (i.e. to Sec. 5) and follows Rabbi Judah, who in this case admits that it is enough to face the mourners. For although a person must not be comforted while his dead is lying before him (Ab 4:18), people may indicate their sympathy by merely facing the mourners (TK, *ibid.*, line 28).

"burial plot"—*pisgan*, the Greek *psegon*, which has been identified with the "weepers' field" (*ibid.*, n. 9), the place where one takes leave of the deceased (B. MḲ 5b; *Aruch*, 2, 89).

8. "a temporary tomb"—literally "a borrowed tomb." A has a corruption of the term (*ibid.*, line 29). Cf. below, xiii, 5; and P. Naz 9:3, 57d.

"lock the door"—see *Beth She'arim*, p. 151.

"dismiss the public"—See Introduction, p. 19.

"carry the body up to Jerusalem"—for final burial in the family tomb. The interment could not have taken place in the city, since it was not permitted to keep a corpse in Jerusalem overnight or to carry the bones of a dead man through the city (ARN, 35, p. 104 [YJS, 10, 143, and see n. 10]). The tomb must have been located somewhere in the necropolis that bounds the city in the form of a semicircle on the north (Sanhedria), east (Mount of Olives), and south (Valley of Hinnom) sides, the tombs being situated at varying distances from the city, but well beyond the fifty cubits required by the Mishnah (BB 2:9; cf. below xiv, 9). On the subject, see the studies by N. Avigad and M. Schwabe (*Sefer Yērušalayim*, 1 [Jerusalem, 1956], 320-48; 358-68); both scholars point out that the west side is almost entirely free of tombs, and the suggestion is made by Avigad that the reason might lie in a prevailing west wind carrying an offensive odor over the city (*ibid.*, 321). Both studies, however, fail to indicate that the archaeological realia, and perhaps even the conjecture, are in keeping with the requirements of the literary parallel of the Mishnah (*ibid.*; and see below, note to xiv, 9).

9. Some commentators see in this ruling a continuation of Sec. 8. Since burial was already discussed in Sec. 6, it might be assumed that this Section deals with reburial (SmH, 44-45; Professor Lieberman directs me to the early source for this view, RABAN, *Eḥen ha-ezer* [Warsaw, 1904], pp. 86-87, n. 22).

"cover his head"—above, note to vi, 1.

"he should uncover it"—out of respect for the public (TH, 48a).

10. This Section is translated on the basis of *G*, the only MS which transmits it *in toto*. While it is entirely omitted in *B*, *H*, *S*, *L*, *AB*, *AJ*, and the *editio princeps*, the omission in *A* of "At dusk, he should stand . . . remove them again" (SmH, 183, lines 36-38) is a homoioteleuton. See P. M<sup>K</sup> 3: 5, 83a; MT, x, 1, 2 (190).

"invert it again"—see below, xi, 10-19.

"remove them again"—above, v, 12.

"turn it . . . again"—cf. above, ix, 7 and 17.

11. See above, v, 14; note to vi, 1; B. M<sup>K</sup> 21a.

"or a disciple"—so the variants. Professor Lieberman suggests that the reading of *A*, *u-ḥen*, is a corruption of *wē-ḥen*, "and similarly," rendered "or" in this translation (*ibid.*, line 40). On "disciple," see above, note to ix, 2.

"hushed"—see above, note to vi, 2.

"raise any question"—above, 6th note to viii, 13.

"If he chooses, he may speak"—while the *Tur* explains this Section by relating it to what was said above, "he may correct them in a hushed voice," etc. (YD, 384), Nahmanides states that this is a new case: one in which the public needs the mourner to render a decision, and the discussion therefore need not be limited to the laws of mourning (TH, 59b).

"when the son . . . him"—the omission of this case in *A* is a homoioteleuton (*ibid.*, lines 43-44).

"the son of Rabbi 'Aḳiḇa," etc.—above, viii, 13-14.

"the case of Rabbi"—B. *ibid.*; SmH, 45.

12. The commentators disagree as to whether Sabbath in this Section refers specifically to the day or to the entire week, the word itself admitting of either meaning (see SmH, 46; RADBAZ to MT, vii, 5). It may be suggested that the

end of this Section, dealing with the academy, indicates that the Sabbath discussed here refers to the day, the mourner being forbidden to study Torah during *šib'ah* (above, vi, 1). In any case, the local practice determined the law. While the Palestinians admitted the mourner to the synagogue only on the Sabbath, their brethren in Babylonia permitted him to attend during the entire week of mourning (*ha-Hillukim*, pp. 122-23). From *Sof* 19:9, which like *Sm* reflects a Palestinian tradition (*ha-Hillukim*, *ibid.*, n. 3), we learn that a place was set aside for mourners and their relatives in a corner of the synagogue or outside the door, where, at the conclusion of the Sabbath *Musaf* ("additional") service, the *hazzan* ("officer") would go and recite a blessing for them and then the *kaddiṣ* ("mourner's doxology") (ed. M. Higger [New York, 1937], p. 336; see note to vi, 12).

"the mourner"—explained by the Gaon Raḥ Shalom to refer specifically to a scholar or other esteemed person (note that Secs. 11 and 13 deal with the scholar). Since only he would have a recognized place in the synagogue, all other mourners could, after the first week, sit wherever they wished (*ha-Hillukim*, *ibid.*; cited in the name of Raḥ Paltoi in *ŠŠ*, p. 51).

"but may not speak"—as he normally would (*MT*, *ibid.* [183]); omitted in *A*, and included in the text on the basis of the variants (*SmH*, 184, line 48).

"On the first and second Sabbaths," etc. That he should not leave his home during the first Sabbath is obvious, since others would be coming to comfort him. But he should not go out even during the second Sabbath (*B. ibid.*; see *NY*).

"The second is in effect," etc.—and he must stay home.

"The third is in effect," etc.—and he must not sit in his place.

"he is like everyone else . . . the fourth"—is a homoioteleuton in *A* (*ibid.*, lines 50-52).

"On the first and second Sabbaths, he should not," etc. In this Rabbi Meir differs with the first Tanna, agreeing with Rabbi Simeon.

"On the third," etc. In this he differs from Rabbi Simeon, agreeing with the first Tanna. In *SmH* the text is emended to add: "but may not speak" (*ibid.*, line 52).

"on the fourth," etc. After the parallel in *P*, Rabbi Joshua ben Levi rules: "The law follows the authority adding days to the mourner" (*ibid.*, 82c).

"synagogue . . . academy"—nevertheless, the Gaon Raḥ Hilai rules that no distinction should be made between them, since they are both a joy to him. Only when the community needs him to render a decision, may he leave his home (*Oṣar*, 4, 36, Sec. 93; cf. Sec. 11).

13. Cf. ix, 2; *B. MḲ* 22b; *MT*, ix, 13-15 (189).

"there should be a changing of seats"—the parallel states that his academy must be suspended (*B. ibid.*).

"go on as they were." What this difficult text literally states is that they should "busy themselves with (or: take up) the same subject," and perhaps this is what it means: although they are not required to change their seats, they should, as an act of deference to the *Ḥaḳam*, study the same subject taught in his academy.

"When an *'Ab beḏ din*," etc.—there should be a changing of seats in the synagogue: those who regularly sit in the north should shift to the south; those in the south, should shift to the north (*ibid.*).

"leader"—*parnas*, cf. notes to vii, 19 and xiv, 14.

"and then, with little ado," etc. The congregation must go to pray at the home

of the mourner (TH, 78a; cf. NY). Note that *A* is corrupt, the text being emended on the basis of the variants (*ibid.*, line 60).

14. "academy of a mourner"—the school is suspended because the people are in mourning for a Ḥakam, 'Ab beḡ din, or Naši'. Needless to say, one may not engage in formal study, but it is also forbidden even to speak in terms of either Hālakah or 'Aggadāh. According to Naḥmanides, this applies to the Sabbath as well as to weekdays (TH, 78a).

"digress to other matters"—the question at hand.

"Rabbi Hananiah ben Gamaliel used to relate," etc.—on the Sabbath (NY).

15. Once again, local custom determined the law. P. tells of a scholar visiting a place where he met mourners: "I am not familiar with the custom of your place," he said to them, "so I greet you according to our custom." (Ber 2:7, 5b, and elsewhere).

"they used to greet the mourner"—on the Sabbath. For the law on weekdays, see vi, 2.

"no mourning on the Sabbath"—i.e. not even private mourning, and as a result one may also greet a mourner on the Sabbath (see B. MḲ 23b, and Tosafot *ad loc.*). Note that while Sm and P. (*ibid.*) clearly indicate that it was the Judeans who maintained "no mourning on the Sabbath," B. (*ibid.*) is inconclusive as to whether the rule reflects the practice of Judah or Galilee.

## Chapter XI

1. Cf. above, ix, 9; Sanh 6:4-5; B. *ibid.* 46b ff.; TE, 9, 434-44.

"the funeral of the person," etc. There may not be enough time left of the day for two funerals. If the second body has begun to swell, however, and there is concern lest it should burst, the order may be reversed (above, note to i, 2; *Sefer ha-ḥasidim*, ed. J. Wistinetzki [Frankfurt am Main, 1924], Sec. 343, p. 105).

"The burial . . . not that of the first"—literally, "The body of the first person may not lie overnight; it is the body of the second that must lie overnight." So *A*; cf. the excellent reading of TH (34d), adopted in the text of SmH (186, lines 2-3), and see NY and ŠY.

"Whosoever . . . disgraces him"—violating a negative commandment (Deut. 21:23; Sanh 6:5, and see Albeck, 4, 448). Cf. the statement of Rabbi Eleazar ben Zaddok (ix, 23).

"the woman should be first." According to one commentator, even if the man died first (see ŠY, 27c).

"more easily put to shame"—by a posthumous vaginal discharge (Rashi to B. MḲ 27a). See the next Section, and cf. above, ix, 7; Sanh 6:3, 4; Mak 3:14; Hor 3:7.

"A scholar and a disciple," etc. The sequence in *A* need not be abandoned, but line 9 should be emended, so that *talmid* appears after *he-hakam*, and the erroneous *he* placed in the MS above *talmid* is omitted (*ibid.*, lines 5-6, 9).

"the disciple should be first." In the reading of the ŠŠ (p. 40, n. 189), it is the 'am ha-'areḥ who should be first, because everyone rushes to honor the scholar.

2. Soḡ 3:8; Tos *ibid.*, 2:7-9; Kid 1:7-8.

"may be placed in the street"—so that he might be eulogized (M $\ddot{K}$  3:8).

"not that of a woman"—the scholars of Nehardea sought to limit the law to a woman who died in confinement, a discharge being more likely then. In any case, she could still be eulogized at the cemetery (B. M $\ddot{K}$  28a; MT, xii, 5 [196]).

"*hāḥar 'ir*"—see LG, 3, 421–25. In this context, the term probably refers to people "in charge of religious and charitable functions," who at the death of a man participated in the funeral in an official capacity and extended condolences to the mourner on behalf of the town. At the death of a woman, they could offer condolences as individuals, but not in an official capacity (MoC, Appendix III, p. 442; cf. xii, 4). It may be suggested that this may be compared with the honor given an esteemed citizen among the Greeks, when a delegation was sent "to the survivors and commissioned to express the sympathy of the city in their loss (*Psyche*, p. 525)."

"walk in the procession"—*'ozlin*, literally "go," needlessly abandoned for the variant *'olin* in SmH (*ibid.*, line 11; cf. below, xii, 4).

"mourners' meal"—above, note to ii, 6.

"man in mourning"—literally, "man," and although referring to the deceased in the first two cases must now refer to the mourner.

"not for a woman in mourning"—to preclude the possibility of indiscretion. Other women, however, are obligated to prepare the meal (ROŠ, cited by NY).

"may be shared with them"—even by men (see NY).

3. After the digression of Sec. 2, the discussion now reverts to Sec. 1, the case of two deaths in a town.

"mourners' row . . . mourners' blessing"—above, note to ii, 1.

"comfort the mourners"—i.e. both sets of mourners.

"given leave to go"—Introduction, p. 19.

"even though it is said"—*'af 'al pi še-'omru*. It would appear that in order that a corpse might not have to lie unburied overnight, two sets of mourners, even of unequal status, could be comforted at the same time. This seems unlikely, the reverse being stated in the reading of TH (34d; and so emended in SmH, 188, line 16; cf. GRA, and see NY). An emendation involving one letter might be justified: the *šin* of *še-'omru* should be changed to a *ḥaf* and shifted to the end of the preceding abbreviation, resulting in *'af 'al pi ḥen 'omru*, "nevertheless, it is said." Cf. below, Sec. 5, where this phrase is repeated in the MSS as an abbreviation; cf. also ŠŠ (p. 40), where it is stated that mourners of unequal status were comforted separately, though one authority would have those of lesser distinction take precedence (above, last note to Sec. 1).

4. See Introduction, pp. 14f.; and above, note to iii, 3.

"acclaimed them." The variants in SmH erroneously indicate that *lifnehem* (literally "before them") is omitted in A (*ibid.*, line 22).

5. "brides"—i.e. "those who have died as brides" (TH, 28c). Cf., however, NY; and see ŠP, p. 142.

"Rabbi Simeon says," etc.—even if there are enough people for both.

6. "make way for the bride"—to avoid an intermingling of people from the two processions (Rashi to B. Ket 17a; cf. below, xii, 5; MT, xiv, 8 [201]).

"the bride must make way for the king"—that a king may not forgo the honor due him, is derived from Deut. 17:15 (B. Ket *ibid.*).

"King Agrippa gave way," etc. Seeing that he was forbidden to do so, why



was he praised? Because of a "parting of roads," the Talmud explains, so that it was not discernible that he did this for the bride's sake (Rashi and Tosafot to B. *ibid.*).

"Why did you do this?"—above, note to viii, 6.

"I wear . . . she will wear"—literally "I take . . . this one will take." On the wreath worn by the bride and groom, see Soṭ 9:14.

7. Study is superior to works, provided there is someone else there to perform the good deed. If, however, there is no one else, then, the Sages conclude, works take precedence (P. Pes 3:7, 30b, and see YK, p. 425; cf. above, viii, 13; and see NY; and SmH, 189, n. 32).

"Whenever Rabbi Judah"—cf. ARN, 4, p. 18 f. (YJS, 10, 32 f.).

"or a bride acclaimed." The MSS are difficult: *A* omits "a bride"; the repetition of "meet one another" is probably an *aberratio oculi* from the previous Section (*ibid.*, 190, line 34 and n. 34).

8. P. MḲ 3:5, 83a; B. *ibid.* 20b; MT, ii, 5 (167); above, last note to iv, 1.

"presence"—above, note to v, 5.

"he may not insist." Nevertheless, if she is in mourning for close kin other than parents, she must prepare his drink, make his bed, and wash his face, hands, and feet (B. *ibid.*; see the next Section).

"Instead, he must demean himself," etc. According to B. (*ibid.*), only if she is mourning for a parent (see NY).

9. Cf. above, v, 1; vi, 6-7.

"bedmaking"—not necessarily for sleeping, but also (as Professor Lieberman points out to me) for reclining at a meal (Tos Shab 12:16; above, note to x, 3).

10. On inverting the bed, see above, note to vi, 1.

"cot"—*dargeš*, a collapsible couch made of skin fastened to a frame with thongs (B. MḲ 27a). Nahmanides states that the two rulings in this Section must not be thought of in terms of severity or leniency, but as alternate views as to what is the appropriate action in the case of a *dargeš* (TH, 60b; TA, 2, 48).

"standing on end"—all the variants seem to be a corruption of *han-nizkefet*, the reading of the parallel (P. Ber 3:1, 5d); and the text is so translated (*ibid.*, line 41).

"Simeon ben Eleazar"—cf. variants (*ibid.*) and parallels (B. and P., *ibid.*).

"Lower its thongs," etc. Once the thongs have been lowered or loosened, the *dargeš* collapses of itself.

11. P. MḲ 3:5, 83a; B. *ibid.* 27a; MT, v, 18 (178-79).

"the beds in each," etc. *A* is elliptic (cf. variants, SmH, 191, line 44).

12. B. and MT, *loc. cit.*

"five houses"—if, for example, he had that many wives and visited them all (ŠŠ, p. 46, and n. 291).

13. Cf. the case of the mourners' meal on an inverted bed (B. MḲ 26b).

"otherwise," etc. The host may claim that he is afraid to introduce mourning rites into his home (*P'rišah* to YD, 387). For an alternate explanation relating this to fear of sorcery, see NY; above, 12th note to vi, 1.

14. "if he is in a position," etc.—if, for example, they are traveling in a caravan, he must invert the bed only when he is in a position of authority, *'iššah* meaning "to force" or "to order" (I am grateful to Professor Lieberman for this explanation).

"otherwise," etc.—cf. above, note to Sec. 13.

15. "if it is then piled"—*mil-lēma'lan*, literally "from on high"; so *A*. The variants read *mil-lēma'lah* (SmH, 191, line 54), the difference being only orthographic, with *A*, in the tradition of the best MSS of Mishnaic Hebrew (e.g. MSS Kaufmann and Parma of the Mishnah), once again preserving the better reading (see E. Y. Kutscher, "*Lēšonan šel ha-iggarot ha-ibriyyot wē-hā-aramiyyot šel Bar Koseba u-bēne doro*," *Lēšonenu*, 26 (1962), 8, n. 2).

"mattresses"—its omission in *A* is probably a scribal error (cf. variants, *ibid.*, line 53; see, however, TH, 60d).

"four cubits"—so *A* and *M*. The variants read "four handbreadths" (*ibid.*, line 54); TH (*ibid.*) reads: "three fingerlengths."

16. Cf. above, note to x, 1.

"may sleep neither," etc.—he must sleep on the ground (TH, 24b).

17. According to Maimonides, it is not enough that a mourner inverts all the beds—he must also sleep in an inverted bed during the first night of his mourning. After that, although the beds remain inverted, he is no longer obligated to sleep in one. On the other hand, RABAD and Nahmanides maintain that so long as the beds are inverted the obligation is fulfilled (MT, iv, 9; v, 18 [175, 179], and see KM, *ad loc.*).

"large basin"—Tosafoṭ to B. BB 144a; *Aruch*, 9, 10. Cf. the variants (SmH, 192, line 57; TH, 60b); and see *Jahrbücher*, p. 54; *Kēle*, p. 8, n. 31.

"I will neither," etc. Sm reads, "If he neither"; the translation assumes that the second letter *yod* of 'eni was erroneously lengthened to a *waw* (*ibid.*, line 58). On the text adopted in SmH, see TH (60c).

"Inverting . . . obligation"—*A* has been emended on the basis of the variants (SmH, *ibid.*, line 59). Professor Kutscher suggests that the original reading in *A* may have been *kšfyyah mišwah hi'*.

18. See above, note to vii, 2. Tos MḲ 2:9, and see TK, 5, 1255, n. 34; P. MḲ 3:5, 83a; B. MḲ 27a; MT, x, 2 (190).

"If the death took place at twilight," etc.—i.e. there was still time to invert the bed before nightfall, that short time being counted as a whole day. While Sm cites the case of twilight on a weekday, the parallel cites the case of Sabbath eve and earlier in the day when he could still invert the bed (P. *ibid.*). Both readings make good sense, stating the same thing—the normal case of six days. And just as it is wrong to emend the parallel on the basis of Sm (TK, *ibid.*, n. 34), so is it wrong to emend in the reverse (SmH, *ibid.*, n. 61).

"At twilight on Sabbath eve," etc. Although a funeral might be rushed through at this time, and the day still counted in the šib'ah, the beds may no longer be inverted. On the contrary, in honor of the Sabbath they are stood upright after the afternoon service (B. and MT, *ibid.*). After the Sabbath is over, they must be inverted again for the remaining five days of šib'ah.

"is followed by a festival," etc.—the death occurring at twilight of that Sabbath eve. It must be assumed that this Section is in accordance with the view that the festival cancels mourning only if the death takes place three days before the festival (above, vii, 2; NY).

"the two festival days," etc.—above, vii, 1-2.

19. Cf. above, note to iv, 7; P. Ber 3:1, 5d; B. MḲ 27a, and parallels, *ad loc*

"At what time," etc.—i.e. does mourning begin?

"When the tomb," etc. Since all the MSS read "until the tomb is sealed," the original statement of Rabbi Joshua may have been: "One need not invert the bed until the tomb is sealed." Cf. the reading of Rashi to B. M $\ddot{Q}$  22a, *s.v.* *moneh 'immahen*, and see the emendation of the BA $\dot{H}$ , *ad loc.*

"at the behest of the Sage"—i.e. Rabbi Eliezer. On the term *za $\dot{q}$ en* (literally "Elder") as alternate for *hakam*, see Frankel, p. 48; cf. H. Mantel, *Studies in the History of the Sanhedrin* (Cambridge, 1961), p. 10, n. 55, and p. 210.

## Chapter XII

1. The dead were sometimes interred in a temporary grave, a fosse (Sec. 9; cf. above, note to ii, 6), where the flesh disintegrated (Secs. 6–7), and from which the bones were then gathered into small caskets, ossuaries or ostophagi, for final burial. The Rabbis refer to this bone gathering practice as *li $\dot{k}$ ku $\dot{s}$  'asamo $\dot{s}$* , "ossilegium" (SmH, 194, n. 12–19; S. Krauss, "La double inhumation chez les Juifs," REJ, 97 (1934), 1–34; JSGRP, 1, 110 ff.), not to be confused with either burial in a temporary tomb, in which case the corpse apparently remained intact (x, 8; B. M $\ddot{Q}$  25a; MT, xii, 7 [196]), or with the pagan custom of prolonging mourning by gathering up and preserving unburied some part (*os resectum*) of the dead body (*Remains*, 3, 499, and notes).

"The day one hears of a death"—literally "the day of report."

"rending"—note that of all the mourning practices this is mentioned separately, apparently in line with the Rabbinic dictum that rending is distinct from mourning (B. M $\ddot{Q}$  26b).

"hallowed food"—the flesh of sacrifices.

"it is like the day of ossilegium"—except that the bones were not gathered by the mourner himself, for if they were, he would have become defiled, i.e. rendered disqualified from eating hallowed food until he submitted to the rite of sprinkling on the third and seventh day (Num. 19:19; B. Pes 92a; cf. Secs. 7 and 9).

"both in one case and in the other," etc.—whether it is the day one hears of a death or the day of ossilegium, hallowed food may be eaten in the evening. Although he must wait until "the evening," the text need not explicitly say so, and its inclusion in SmH in the face of all the variants is unwarranted (193, line 4, n. 4; Pes 8:8, and see Rashi, *ad loc.*; B. Pes 92a; YK, p. 505).

2. Cf. B. M $\ddot{Q}$  20a; MT, vii, 1 (182).

"Rabbi Eliezer," etc. In B. this is cited as a minority opinion, which is in this case nevertheless followed, in line with the principle "The law follows the more lenient view in matters of mourning" (*ibid.*).

"only one day need be observed"—even an hour, applying the principle "Part of the day is as the whole" (above, notes to vii, 2; MT, *ibid.* 1–2).

"Beyond . . . need be observed"—its omission in A is a homoioteleuton (cf. variants, SmH, 194, lines 7–9).

"the Sages"—perhaps Elisha ben 'A $\dot{h}$ uyah and his colleagues (B. *ibid.* 20a).

"father died." According to B., the Tanna who makes a distinction in the case of parents (stating that for them one must observe *šib'ah* and *šelošim* even for an old report) represents a minority view which must not be followed (*ibid.*),

notwithstanding that it was cited in the name of the Sages (Tosafot, *ad loc.*). Note, too, that *M* reads "son died." On the identity, see TTA, I, 202b.

"Media"—as an example of a far-off place, see BQ 9:5.

4. P. informs us that there should be neither lamentations nor elegies in the case of ossilegium; neither the mourners' blessing, nor comforting of mourners. The mourners' blessing is then defined as that which is recited in the synagogue; and the comforting of mourners, as that which is said to the mourners when they stand in the mourners' row. Another Baraita then states: "*dēḥarim* (literally, words), however, may be said for them. What are *dēḥarim*? 'Acclamations,' explain the Sages of Caesarea" (Pes 8:8, 36b). Cf. above, notes to ii, 1, 4th note to iii, 3; and below, 5th note to Sec. 13.

"the bones are gathered only," etc. This is what people generally do. Cf., however, the reading of the ROŠ which alters the meaning of the text (NY).

"night falls"—a dittography in *A* (SmH, 195, line 15).

"a man is released," etc. Professor Lieberman points out that unlike burial, when mourning begins only after the tomb is sealed, here his obligation is fulfilled as soon as he begins the ossilegium. It may be suggested that Maimonides had this reading of Sm, rather than that of the ROŠ, and as a result did not rule that one should begin the ossilegium early enough in the day to permit mourning. Note, too, that the codifiers disagree as to whether a state of *'āninuṭ* precedes that of *'ābeluṭ* in the case of ossilegium (KM to MT, xii, 8).

"on the very next day"—i.e. immediately after nightfall, when one begins counting the next day.

"personal words of sympathy"—not the formal condolences offered the mourners' row

"The *ḥāḥar 'ir*," etc.—above, note to xi, 2. Since the text has previously stated that in the case of a deceased woman the *ḥāḥar 'ir* should not attend the rites, nor should the mourners' meal be prepared (above, xi, 2), it now states that although the *ḥāḥar 'ir* do not participate in the rites in the case of ossilegium, the mourners' meal must be prepared. The awkwardness of the word *'āḥal*, "but," is thus removed (SmH, 195, line 18). Cf. YD, 403, and BY, *ad loc.*; and see NY.

"says"—its omission in *A*, Professor Lieberman assures me, need not be a scribal error (*ibid.*, line 18).

"If . . . while the comforters," etc. I am grateful to Professor Lieberman for this understanding of the text (cf. NY).

5. Religious functions were apparently attended by permanent societies, called *ḥāḥoroṭ* (cf. above, 4th note to xi, 2; and see Jacob Mann, "Rabbinic Studies in the Synoptic Gospels," HUCA, I [1925], 325, n. 3. Cf. also the burial societies of the Greeks [*Psyche*, p. 550, n. 4]). The parallel includes also "some to a betrothal banquet, others to a marriage banquet" (Tos Meḡ 4:15, and see TK, 5, 1186-90; and see above, note to ii, 12).

The term *beṭ ham-miṣteḥ* (literally "house of the banquet"), "wedding feast," refers to the daily feast observed for seven days to celebrate the wedding. On the day of the wedding it is called "marriage banquet." The *beṭ ham-miṣteḥ* is frequently mentioned with the *beṭ ha-'ēbel*, "the mourner's house," both of which are attended as a religious duty, the seven days common to both being traced to antiquity: "Moses instituted seven days for a wedding feast and seven days for mourning" (P. Keṭ 1:1, 25a). See MT, xiv, 1 and 8 (200-01).

"This is what," etc. In the Tosefta parallel, Rabbi Eleazar bar Zadok is cited as the authority for this Section (Meḡ *ibid.*).

"used to do"—followed by a scribal error in *A* (*ibid.*, line 20).

"a circumcision"—*ṣaḡu'a hab-ben* (Rashi to B. Sanh 32b), literally "the week of the son," perhaps the festivities engaged in during the week a son was born, in contrast to "week of the daughter" (cf. ŠŠ, p. 38; TH, 35c; and see Ben Yehudah, 14, 6824, n. 3; TK, *ibid.*, lines 47-48).

"To a mourner's house or," etc.—if there are not enough people to attend both.

"The wedding feast comes first"—cf. above, xi, 6. In contrast, the variant cited by Naḥmanides states "the mourner's house comes first," a reading which he reconciles with xi, 6 by stating that the bride takes precedence only during the procession, not during the seven days of wedding festivities that follow (TH *ibid.*).

"Ḥāsiḡim"—above, note to iii, 11. In the Tosefta parallel (*ibid.*) the name "Rabbi Ishmael" appears, who, according to Naḥmanides, is to be identified with the anonymous "Ḥāsiḡim who followed this practice" (TH *ibid.*).

"gave precedence to the mourner's house." Although the Ḥāsiḡim disagree, believing it better for a person to go to a mourner's house—this being the more sobering experience—their view may perhaps be reconciled with the rule: "the honor of the living comes before the honor of the dead" (xi, 6). In stating here that the mourner's house takes precedence, the mourner is honored, not the deceased, unlike the instance of the two processions where the dead gave way to the bride. Cf. Mēkilta 'aḥāriṭi dē-'ēbel (TH *ibid.*; SmH, 231), where in the case of a "corpse and circumcision, the circumcision comes first . . . a corpse and a bride, the bride comes first . . . the plot where the eulogy is given (on this interpretation, see TK, *ibid.*, 1189, n. 71) and the wedding feast, the wedding feast comes first." In the case of mourner and bridegroom, however, the mourner comes first, because "the bridegroom eats and feeds others, whereas the mourner does not eat until he is fed by others"; this Section also concludes with Eccl. 7:2.

"I too," etc.—literally "I am walking after this one here." The variants, including *M*, read: "I (too will) die after him" (SmH, 196, line 26). A man is urged to participate in the procession, eulogy, and burial of others, so that in the course of time his own rites will not be neglected (Tos Meḡ 4:16; and see TK, 5, 1190, lines 50-51; MT, *loc. cit.*).

6. "The bones of a corpse," etc.—at the time of ossilegium, so that they might be placed in an ossuary.

7. "Johanan ben Nuri . . . 'Āḳiḇa"—the names are reversed in TH, 80a.

"except those of his father and mother"—which should be collected by others (above, note to Sec. 1; and below, Sec. 9).

"The bones may," etc. This is preceded by 'eḥaḡ in *A* and *G*, and by 'aḥar in *M*—both difficult readings. Cf. variants and emendation in SmH (*ibid.*, line 30).

"once it has," etc.—and the gathering is therefore permitted even in the case of a parent. Cf. above, ii, 11.

8. Cf. above, xi, 4.

"sheet"—the Greek *epikarsion* (above, note to ix, 6).

"ossuaries"—identified with the Greek *soros*, "coffin" or "urn" (TK, 5, 1235). See above, note to xii, 1.

9. The reason for the custom described in this Section is open to conjecture (see Krauss, 9-10; JSGRP, 1, 114, and 6, 171, n. 256). It may be an act of deference, stating in effect that we are dealing with the remains of a human being, in order that the edge might be taken off the mechanics of the ossilegium; or perhaps this was done so that the air might be cleared of any foul odor, and as such, the practice could be compared to the pouring of wine before a corpse (B. Sanh 48b; and see WJV, 509, n. 20). Note that wine and oil were used in the ossilegium mentioned in the *Odyssey* (xxiv. 71; see also Smith, p. 560); and cf. the Twelve Tables, where costly sprinkling (perhaps even with wine) is explicitly forbidden (*Remains*, 3, 501, n. c). In any case, the account given by Klein (*Tod*, p. 99), stating that after the bones were smeared (*gesalbt*) with wine and oil to disinfect them, they were wrapped in sheets ("similar to the case of Egyptian mummies"), and then put in coffins, is not correct. First, the Hebrew indicates that they were "sprinkled" (or according to the variant, "doused"), not "smeared" (for verbs meaning "cleansed," see 1, 3, and note); the preceding Section also indicates that they were placed in either a sheet or an ossuary, and not necessarily in both. It may be, on the other hand, that the wine, oil, and dried herbs (or clods) were used as preservatives (cf. the Responsa of the Gaon Raḥ Natronai cited in ŠŠ, p. 44; and see *Aruch*, 9, 106). If this is the case, the practice is best understood in a symbolic sense, for there are few substances less subject to decay than desiccated bones in a dry tomb.

"sprinkled"—i.e. after they were gathered and placed, this discussion following the preceding Section. The reading of TH (80a), *mēzalfin*, could indicate a heavy dousing.

"evaporates"—*nodef*, so *A*, which could be a corruption for *toref* (cf. the reading of the variants *mētaref*, and see *G* which adds *da'at*, indicating that the meaning is "intoxicates," *ibid.*, line 37). The variants, on the other hand, may also be a gloss for *A*, all the readings stating that wine may not be poured on the bones because of its effect on those standing by as it evaporates in a closed tomb. Note that wine is forbidden during the state of 'āninuṭ (x, 3), and that some commentators maintain that a member of the family is considered to be in that state during the ossilegium (above, 4th note to Sec. 4); note, too, that the fragrant odor of spices is forbidden in a mourner's house (B. MḲ 27a). Nevertheless, the most plausible solution is to assume that the correct reading is *mētaref*, that the addition found in *G* is the gloss of a scribe who misinterpreted the text, and that the term was properly understood by NY who explains "destroys the bones," i.e. although wine could be used to dispel an odor or as a preservative, in the course of time it turns into acid and eats away at the bones (cf. Jastrow, 1, 556; Krauss, 9, n. 1).

"invite worms"—erroneously transcribed in the MSS (*ibid.*, line 38; cf., however, TH, 80a), *A* also reading a metathesis *ridah* (see *G*; Par 9:2); and note that while *dirah* or *darna* (TH, *ibid.*; see TK, 1, 406, n. 50, and 449, n. 89) is the species of worm that might feed on bones sprinkled with wine or oil, it is generally the worm called *rimah* which attacks the corpse (above, ix, 23; Jastrow, 2, 1481).

"herbs." *A* reads *sappirin*, which in SmH (*ibid.*, n. 38) is taken to be a species of beans (*vicia narbonensis*, Albeck, 1, 101, n. 2). But this is difficult, for why should one kind of bean be singled out? And wouldn't beans also "invite

worms"? Professor Lieberman suggests that if, indeed, this is the correct reading, it might refer to the *hesperis*, which according to Pliny is a garden plant giving off a strong scent when dry and specifically at night (Pliny, 6, Bk. 21, Sec. 39, 189). Although *A* has been retained in the text, the reading *ḥāfirin*, "herbs" or "clods of earth" (see NY; and KN to MK, 11), finds strong support in the variants (see TH, *ibid.*; Rabbi Jeroham ben Meshullam, *Tolēdoṭ 'Adām wē-Ḥawāh* [Venice, 1553], 2, 235c; *Yoḥasin*, p. 28b; and see Krauss, *op. cit.*, 9, n. 2) and has been followed in the translation, the letter *samek* of *sappirin* probably being a corruption of *ḥeṭ*, rather than the reverse. Note, too, that the reading of *L*, *'āṣāḥin*, "herbs," is undoubtedly a gloss that replaced *ḥāfirin*.

"fosse"—*biḳ'ah* (or *bēḳ'ah*), is identified with the *niḥreḳeṭ* (Tos MK 1:9) and the *maḥāmoroṭ* (see above, note to ii, 6; TK, 5, 1234-35, n. 24).

"ossuary"—cf. the variants (*ibid.*, line 40, and see above, 8th note to iii, 2, and above, note to Sec. 8).

"not . . . with your own hands"—"so that I would not be disgraced in your eyes" (TH, 80a). *A* erroneously reads the second person pronoun as an object. It should either be omitted (cf. *G*), or emended to read as the subject (cf. *B* and *H*, SmH, 197, line 40; cf. TH, *ibid.*).

"Johanan"—his identity has not been established.

"a sheet"—see note to ix, 6, and cf. above, Sec. 8.

"his father"—*'abba*; so *A* (not recorded in the variants) and *G* (SmH, 198, line 42). A departure from this reading (cf., however, SmH, *ibid.*, and NY) is unwarranted, because the word can be used in the sense of grandfather, i.e. "his father" without the pronominal suffix. See above, note to i, 11.

10. It is assumed that a man is more likely to indulge in unchaste fancies (NY). On the subject, see TE, 10, 610-16.

"shroud"—so *G* (cf. TH, 5d); *A* erroneously reads "bless" (*ibid.*, line 44).

"but . . . attend another man"—its omission in *A* is a homoioteleuton (*ibid.*, lines 44-45).

11. As it now appears, this Section does not seem to follow the previous discussion. In the reading of Sm in the *'Iṭtur* ("*Hilkoṭ ṣiṣit*," p. 73b), however, it appears as part of a discussion as to whether or not the fringes should be removed from the garment of a corpse, i.e. when the deceased is being wrapped in shrouds (cf. *Seven Minor Tractates*, ed. M. Higger [New York, 1930], p. 52; TH, 32a; Tosafot to B. Ber 18a).

"to his sons"—*A* erroneously reads "before him" (*ibid.* line 47).

"my father"—*'abba* (above, note to i, 11).

"purple fringe"—Yadin, pp. 289 ff.

"my cloak"—the reading of *A*, *miṭ-ṭaleṭi*, is probably a gloss that has replaced *me-'appalyoni*, the Greek *pallium* (with a prosthetic *'alef*), of the other variants (*ibid.*, line 48). Cf. Tosafot to Pes 40b, s.v. *'āḥal*. See Yadin, pp. 226 ff.

12. A greater measure of modesty is required with respect to these members of his family and to his teacher. See Rashi to B. Pes 51a; and see above, note to ix, 1.

"If his father is old or sick," etc.—and so in the case of a stepfather (B. Pes *ibid.*).

13. A parallel text states that the son joined a band of robbers and was slain because he betrayed them. The robbers then filled his mouth with dirt and gravel.

The verse cited by the sister, as Professor Lieberman points out to me, is then even more poignant (*The Exempla of the Rabbis*, ed. Moses Gaster, Hebrew Section [London, 1924], p. 40; see SmH, 199, n. 52). Cf. above, ii, 10.

"A body may not be carried out on a bier," etc.—those borne on a bier being publicly acclaimed (see above, iii, 3).

"brigands"—the Greek *lēstēs*.

"mutilated body"—*tafus*, perhaps "desecrated," so *A* and TH, 33c. The variants read *tafuah*, "swollen" (SmH, 199, line 55; see above, note to i, 2) or "decayed, decomposed" (Jastrow, 2, 1685).

"net." It is difficult to say how the reading of *A*, *karkaroṭ* (read *karkaḳoṭ* in SmH; the letters *reš* and *daleṭ* are often indistinguishable in the MSS), was understood in SmH (*ibid.*, see n. 55). *G* reads that the corpse was found after "thirty" days in baskets, *kēweroṭ* (erroneously transcribed in SmH, *ibid.*, lines 54–55), a reading supported by *AB* and *AJ*. The reading of Lam. R. (3:6, 25b), *kēliḳah*, the poor man's bier, is probably the basis for the emendation of GRA (on the term, see Tosafoṭ to B. Mḳ 27b, and *Aruch*, 9, 224). Our translation is based on the reading *miḳmoreṭ* found in TH (33c; cf. Midraṣ hag-Gaḳol, Genesis, ed. M. Margalioth [Jerusalem, 1947], 1, 337; HG [ed. Venice, 1548], 142c; *Sefer hap-Pardes*, ed. H. L. Ehrenreich [Budapest, 1924], 281a).

"by praising his father"—cf. above, iii, 5. The parallel states that they wished to recite *dēḅarim* (above, note to Sec. 4), but the father did not permit it (*ibid.*)

"His father cited," etc.—cf. above, 5th note to viii, 12.

"he went back to the beginning of the verse"—repeating it many times (*The Exempla*, p. 41). On this kind of repetition, cf. Mak 3:14; Pes 5:7.

### Chapter XIII

1. Note that the literary sequence used in this Section is also used in the case of a person hollowing a *koḳ*, and one guarding a corpse, the governing principle being "Whosoever is performing a religious duty is released from another religious duty" (B. Suk 26b). See above, notes to x, 1; below, note to Sec. 4; B. Ber 18a.

"in guarding"—or, adds *D*, "in conveying the bones from one place to another" (SmH, 200, line 2). Cf. TH, 80b.

"Let him withdraw," etc. Although he is released from other obligations, he is required to recite the *šema*'.

"Simeon ben Eleazar . . . boat." Only in the confines of a boat, where the bones need not be watched, is he required to recite the *šema*'. In the case of dry land, however, R. Simeon disagrees with Rabbi Johanan ben Nuri.

"close kin"—above, iv, 1.

"On the Sabbath"—lest it should appear that he is in mourning (NY).

"If he is carrying his pack"—while guarding the bones. It might appear that the honor shown the dead has been diminished, his attention being divided between the bundle he is carrying and the bones he is guarding; and lest one should think that he should be required to recite the *šema*' like anyone else carrying a bundle (Tos Ber 2:7), Rabbi Nathan states that even in such a case his sole obligation is that of guarding the bones, and that he is exempt from the *šema*'. I owe my understanding of the passage to Professor Lieberman.



2. It is disrespectful to load bones of the dead in a wagon or boat without first placing them in a receptacle.

"upon the back of an animal"—not in a case, but merely tied to the animal's back.

"sit on them." *D* reads "nor may they be placed on an animal so that one might sit on them" (*ibid.*, 201, line 10). Cf. B. Ber 18a, and see Tosafot, *ad loc.*

"for the sake of the dead"—because he is in fear of heathens or robbers. *G* reads *hanayaš 'āšamoš*, "the benefit of the bones," and so emended in SmH (*loc. cit.*).

"it is permitted"—to conceal them by sitting on them. The variants continue with the literary cliché of ii, 9: "Similarly . . ." (*ibid.*, line 11).

3. "in his arm." *D* adds, "or recite the Šēma' or pray" (*ibid.*, line 12). Cf. B. *ibid.*

"mockery of the dead"—the dead being unable to fulfill these precepts, and Prov. 17:5 being applied in such a case. At a distance of four cubits from the grave, however, it is permissible (B. Ber 18a; MT, II, iii, iv, 23).

4. The Talmud explains this to be a case in which someone is working with him, so that they are able to take turns. If, on the other hand, he is working alone, "he is exempt from the Šēma', from prayer . . ." (B. Ber 14b). See above, note to Sec. 1. On *koḳ*, the burial shaft cut perpendicularly into the wall of the tomb, see BB 6:8; *Aruch*, 9, 42; JSGRP, I, 66, n. 29.

"time for . . . Šēma'"—Ber 1:1-2; MT, II, I, i, 9-11.

5. The place is not acquired by the corpse in the case of a temporary grave (above, notes to iv, 18 and x, 8).

6. "*arcosolium*"—an arched shelf cut lengthwise into the wall of the tomb (*Beth She'arim*, p. 99, n. 132; JSGRP, I, 66).

"*loculus*"—*ištron*, cf. variants (*ibid.*, line 19); see JSGRP, *loc. cit.* Our translation of this term is a conjecture (see *Aruch*, 9, 42b f.).

7. P. MḲ 2:4, 81b; MT, xiv, 15 (202).

"to the family tomb"—literally "within the tomb"; so *A*; cf. the variants (SmH, 203, line 21).

"by this he is honored"—*D* continues with an interpolation, citing P. by name: "Yērušalmi: It is pleasant for a man at the time he is laid to rest beside his ancestors" (*ibid.*, line 22). Cf. P. *ibid.* See Introduction, note 23.

8. Similarly, "Two coffins may not be placed one on top of the other. If this is done, the upper coffin must be removed, i.e. if they touch each other. But if the two graves are one above the other, with three handbreadths of earth between them, it is permitted" (*Mēḳilta 'ahāriṣi dē-'eḥel*, cited in TH, 38b and c; SmH, 233, lines 24-27). When the deceased were placed in *koḳim*, a distance of a cubit was generally required, except that in the case of a sturdy wall (according to one Sage), the distance could be smaller (BB 6:8; ŠŠ, p. 72; TH, *ibid.*).

"Two corpses . . . beside one another"—this is a disgrace to the dead (MT, xiv, 16 [202]).

"Whomsoever a person may sleep with," etc. "A man may be interred with his daughter who is a minor, and a woman may be interred with her son who is a minor or grandson who is a minor" (*Mēḳilta 'ahāriṣi dē-'eḥel*, *ibid.*; SmH, 232, lines 21-22; 236, lines 69-70). See RADBAZ to MT, *ibid.* Cf. *Ḳid* 4:12.

9. B. Sanh 47b f.; P. Meḡ 3:1, 73d; MT, xiv, 17-20 (203). Cf. below, xiv, 8-10.

"It is forbidden to use a kolē," etc. See, however, NY.

"may be sold"—during the lifetime of the person.

"of stone"—TH (39b) reads "if of stone, it should be buried," and so emended in SmH in the face of all the MSS (*ibid.*, n. 29). Cf. also HG, p. 219.

"boards"—they may be the remains of a coffin (BY to YD, Sec. 363, cited in NY). Cf. Mazar, *ibid.*, English Summary, viii, and see Pl. XXX.

#### Chapter XIV

1. B. Meḡ 29a; MT, xiv, 13 (202).

"No water," etc. Among the ten things that impede learning, the Talmud lists: drinking water from such a channel, gazing upon the face of the dead, and reading inscriptions from tombstones (B. Hor 13b).

"take walks there"—"nor may it be used as a shortcut" (HG, p. 613). Cf., however, the variants in SmH, 204, line 3; and TH, 42a.

"the sake of the cemetery"—literally "its own sake," e.g. to improve the grounds. Cf. above, v, 14 (SmH, 219, line 36) and xiii, 2 (*ibid.*, 201, line 10); the insertion of the word "cemetery" in SmH (204, line 4) is unnecessary.

"on the spot"—so that others might see that they were not collected for private use (NY). Cf., however, Ohal 18:2, and see ŠP, p. 143.

2. "funeral urns"—*gorēne*. The term is difficult (NY; ŠY); in SmH it is apparently identified with the Hebrew *goren*, "threshing floor" (*ibid.*, n. 6). I have taken the term to be the Greek *gourna*; see *Aruch*, 2, 369, and 9, 133; see also *Kēle*, pp. 96-97). The translation is a conjecture based on the Syriac, where the word is also used in the sense of a funeral urn (Payne-Smith, p. 66).

"neither moved . . . nor transferred"—below, Sec. 11.

3. See Introduction, p. 20.

"may be neither measured"—to determine the number of dead buried in one part, so that an equal part might be assigned to others (TH, 42a).

"nor divided"—i.e. among the heirs, the place of burial being determined by the sequence of death, not by any prior designation (*ibid.*).

"an old . . . be new"—the inseparable preposition *kaḥ* is misplaced in A (*ibid.*, line 9).

"a fetus"—i.e. even a fetus. Cf. the view of Rabban Gamaliel in the next Section.

4. On *ḥazaḳah*, the claim of ownership by virtue of possession for a fixed period, see BB 3:1-6. Cf. the Roman law guarding the privileges of graves with "the rule that ownership of the 'forum' (i.e. the entrance court of a tomb) or of the mound may not be acquired by possession" (*Laws*, 2, 449). See Berger, p. 752, *s.v. usucapio*.

"tomb of exiles." Rabbi Meir of Dvinsk explains that this refers to those who having committed unintentional homicide, fled to cities of refuge (Num. 35:9-28; Deut. 19:1-13; Josh. 20:1-9). Should they die there, they may be exhumed after the death of the High Priest (Num. 35:32), and brought to the family tomb ('*Or sameaḥ* to MT, xiv, 15; *Jahrbücher*, p. 56; ŠP, p. 144; cf., however, NY). Note, too, that should the unintentional slayer die before going into exile, he must nevertheless be interred there as a penance (above, note to ii, 6), and at the death of the High Priest brought back to the family tomb (B. Mak 11a).

"A fetus cannot acquire possession of its burial place." Even if it is buried with the owner's consent, it may be transferred, having no claim to the surrounding earth (*ṭēfisah*) for reburial (Tos Ohal 16:12); it could be cast into a pit (*ibid.*, 16:13). Cf. the preceding Section and see 'Or *šameah*, *ibid.* On the disposition of the fetus (*ahori*) and its fate in the world to come, see WJV, 522, nn. 65-69.

"Whosoever," etc.—cf. Tos *ibid.*, and see TR, 3, 148.

5. "A woman who has inherited a tomb"—from her father's family.

"Rabbi Judah"—TH (*ibid.*) reads "The Sages."

"not her descendants." It would be a slight to the mother's family should her children be buried with them, since the children trace their descent to the father's family (*ibid.*).

"children born in her lifetime"—literally "offspring who see her in her lifetime." *A* erroneously reads *še'im*, "that if," and the singular "see" (SmH, 205, lines 17 and 18). TH reads "if she saw them in her lifetime," i.e. her children and even great-grandchildren if they were born in her lifetime. In Sm, however, the word *še-anuneha* appears. The term is declared corrupt by NY and emended on the basis of the *Tur*, who in turn cites the reading of TH (*loc. cit.*); and although the term is maintained in SmH (*ibid.*, n. 18), it is difficult to say how it was understood. It may be suggested that what we have here is the relative pronoun *še* followed by a prosthetic 'alef at the beginning of this word. What then remains is *nuneha* or *nineha*, "her descendants," a reading demanded by the context. I am indebted to Professor Lieberman for justifying my understanding of this term and for suggesting that the 'alef is prosthetic.

7. Ket 4:4.

"ransom"—should she be taken captive.

"two flute players," etc.—the minimal requirement for an indigent person (Ket *ibid.*).

"professional mourners"—literally "wailers."

"by force"—i.e. through litigation (P. Ket 4:6, 28d).

8. The parallels transmit conflicting versions, compounding the difficulties of this Section (Tos Ohal 16:9; P. Naz 9:3, 57d; B. Sanh 47b). See MT, X, 1, viii, 5-6 (YJS, 8, 35), and see RABAD and KM, *ad loc.*; RAŠBA, 1, 536; TR, 3, 146-47; SmH, 49-50. It should be noted that while Sm speaks of whether one may benefit (*hāna'ah*) from the place in the first two cases of this Section, and of defilement (*ṭum'ah*) in the last case, the parallels discuss both *hāna'ah* and *ṭum'ah* in all three cases.

"Three"—*A* and *G* read the feminine number (*ibid.*, line 27).

"A tomb just discovered," etc.—i.e. the corpse was buried without the owner's consent. It is assumed that this is not the case of a *meṭ mišwah*, for if it were, "people would hear of it" (B. *ibid.*, and see Rashi, *ad loc.*, and above, note to iv, 16). While P. makes the same assumption, a different reason is given: "the case of the *meṭ mišwah* is uncommon" (*loc. cit.*).

"no use may be made of the place." Until a careful search has been made to determine whether other corpses are buried in the surrounding area, the place is given the restrictions of a cemetery (above, Sec. 1; this explanation is suggested by KM as he explains the reading of P. and justifies its apparent adoption in MT, *loc. cit.*).

"A tomb known to exist," etc.—the corpse having been buried with the owner's consent (Rashi, *ibid.*). In stating that no use may be made of the place, Sm in this case parallels B., and presents a reading in contrast to that of Tos. and P. (*loc. cit.*).

"creating a public nuisance"—e.g. if it is close to a thoroughfare, causing passers-by to become defiled (Rashi, *ibid.*). The readings transmitted by the MSS seem to be scribal corruptions (SmH, 206, line 29, and see NY). The text adopted here and in SmH is that of the parallels; note that this reading is also supported by the citation of Sm in KM (*loc. cit.*).

"the place remains defiled"—everlasting defilement having been decreed by the Sages so that it may never be cleared out (so Rashi, explaining the case of a "tomb known to exist" as it is cited in B., *ibid.*). KM, however, gives here the same reason for defilement as in case of "no use may be made of the place" (see preceding note).

9. In the Tos (BB 1:11; cf. TH, 39b) parallel, this Section is introduced with the case of "four sides," the laws having been arranged in the style of *lo zo 'af zo* (above, 2nd note to vi, 3). The parallel in P., however, omits the case of "four sides" and the fifty cubit limit, and transmits a controversy in the case of "two sides" (without indicating whether they face each other). The controversy is then explained by showing that when the Tanna states that the tomb must be cleared out, it is when the grave is within "seventy cubits and then something" of the town, or when it is flanked by the town in the manner of the Greek letter gamma. Cf. the Mishnah (BB 2:9), where, as in the case of Sm and Tos, the limiting distance is fifty cubits.

"flanked"—the verbal suffix in *A* is corrected on the basis of the variants (*ibid.*, 207, line 31).

"need not be cleared out . . . If less than this"—its omission in the MSS is a homoioteleuton (Sm H, 207, line 33).

"it must be cleared away"—so as not to cause defilement.

10. See Introduction, p. 20.

"All tombs may be cleared out"—"except the tomb of a king or a prophet" (Tos BB 1:11; TH, 39b), and so emended in SmH (*ibid.*, lines 34-35).

"*Ākiba*"—so *A*. The variants, following Tos, read "They said to Rabbi *Ākiba*" (*ibid.*). Cf. ARN, p. 104 (YJS, 10, 143-44).

"A tunnel," etc. Only a tomb that is completely sealed causes tent defilement, the uncleanness being conceived as breaking through in a vertical direction. If a tunnel is dug from the grave, however, the uncleanness is then conceived as being carried through the opening, the tomb no longer causing tent defilement (Num. 19:14 ff.; Albeck, 6, 123).

11. BB 6:7; B. *ibid.* 100a and b.

"made no sale"—literally "done nothing." The family may still come and bury him, his action being considered a slight to the family honor (B. *ibid.*; cf. above, note to Sec. 3).

"halting place." There were no less than seven such places near a tomb where the procession, returning from the grave, would pause and sit down to grieve over the dead and to comfort the mourners (*ibid.*, and see RAŠBAM, *ad loc.*).

"four *kaḇ*"—i.e. an area in which four *kaḇ* of grain can be sown: 50 by  $33\frac{1}{3}$  cubits. This ruling is ascribed to the judges of Sepphoris (*ibid.*).

"A private path"—so that a man may have access to his field (RAŠBAM to B. *ibid.*).

"four cubits"—another Tannaitic source maintains that it need be only two and a half *gomeq*, or approximately two cubits (B. *ibid.*).

"sixteen cubits"—B. Shab 99a.

"A king's highway"—a king has the right to tear down fences in order to build a highway (Sanh 2:4).

"A path to a tomb," etc.—"because of the honor due to the dead" (B. *ibid.*, 100b).

12. After thirty days only comfort indirectly expressed may be extended to the mourner, unless he is mourning a parent, in which case he may be comforted directly for twelve months, and after that *min haš-šad*, literally "from the side" (B. MḲ 21b; above, vi, 2, and see notes *ad loc.*).

"should comfort him"—literally "should speak to him." The text need not be emended to include the term *tanḥumin*, "words of comfort," which is understood from the context (SmH, 208, line 43).

"how he is feeling"—literally "whether he is at peace," because, as the Talmud states, "he is not at peace" (B. *ibid.*).

"After twelve months," etc. This passage is difficult (NY). Perhaps after twelve months the anguish is gone and it does not matter which is first.

"Rabbi Meir"—above, note to i, 4.

"a wound that had healed"—according to the parallel, "a broken leg" (B. *ibid.*).

"and heal you"—"so that you might know that my medicines are effective" (*ibid.*).

"within twelve months," etc. See Tosafot to B. *ibid.*, s.v. *meṭah*.

"in the market place"—"in a hushed voice" (B. *ibid.*; cf. above, note to vi, 2).

"not . . . in his home"—so as not to make the new wife uncomfortable.

13. The practice of bringing round-shaped foods to the house of a mourner is traced to the Patriarch Jacob (Gen. 25:29). Just as the lentil has no mouth, so a mourner must remain silent, not questioning his fate. Or, just as the lentil is round, so mourning travels like a wheel, coming upon the inhabitants of the world (B. BB 16b).

On the circle, cf. 6th note to ii, 1; and see JSGRP, 6, 166, n. 228.

"beans"—so *A*. The variants read: "herb and ivy" (SmH, 209, line 56; on *kisma*, "ivy," see TK 2, 631, n. 46).

"even a dish of cooked grits"—i.e. even a more elaborate dish. In some places mourners ate meat and drank wine; in others, they fasted (P. Ber 3:1, 6a; TH, 66d). On *ma'āseh kēḏerah*, see Neḡ 6:1-2; Rashi to B. Ber 42b.

14. Jer. 16:7; Prov. 31:6; B. Ket 8b; P. Ber 3:1, 6a; B. Er 65a; PRE, Chap. 17, p. 40; JSGRP, 6, 167-73.

"Two before the meal"—and so P. *ibid.*; B. reads "three," so as "to open the small intestines," i.e. whet the appetite (Rashi to B. Ket *ibid.*). See Pliny (6, Bk. 23, Sec. 38. 439) on wine as a "sharpeners of the appetite."

"Five during the meal"—so P. *ibid.*; B. reads "three," to help in the digestion of the food (*ibid.*).

"And three after the meal"—so P. *ibid.*; B. reads "four," corresponding to each of the four benedictions recited in the Grace after Meals (*ibid.*).

"mourners' blessing . . . comforting the mourners"—which were also incorporated in the Grace after the mourners' meal (above, not to ii, 1). See JSGRP, 6, 167-68.

"acts of kindness"—the text of this prayer was incorporated in the fourth blessing of the Grace (TT, Ber 3:24, p. 17, n. 94). See A. Buechler, in *Abhandlungen zur Erinnerung an H. P. Chajes* (Vienna, 1933), p. 144, n. 1.

"added three more"—so P. *ibid.*; B. reads "four," one each for the *hazzan* (town officer), the *parnas* (above, note to x, 13), the Temple, and Rabban Gamaliel. The *hazzan*, because he attended to the needs of the dead; the *parnas*, because he is wealthy, spending his money freely for the burial needs of the poor (Ket *ibid.*, and see Rashi, *ad loc.*).

"Rabban Gamaliel." See Introduction, p. 22.

"Sages and Beṭ din"—the first term may be a gloss (cf. variants, *ibid.*, line 61; P. *ibid.*).

"decreed a return to the former custom"—i.e. ten cups. See, however, NY.

15. "the fourth blessing"—i.e. "He who is good and does good." Cf. Ber. 9:2.

"Rabbi 'Aqiba," etc. Cf. B. Ber 46b.

"Blessed be the Judge of truth"—so A. The variants continue: "who rules over all His creations, judges all generations with justice; we all are His people and His servants and must at every moment thank Him and bless Him" (SmH, 210, line 64). This text is substituted for the fourth blessing of the Grace; cf. the blessing of Mar Zutra in B. (*ibid.*).

16. This Section is added so that the text may close on a cheerful note (Ber 9:1; Introduction, pp. 10f).

#### ADDENDUM

ix, 18 (see p. 148). "an embroidered garment"—*plumat*; an obscure term, emended by A. Brill (*ibid.*, 47) to *planus* and identified with the Greek *phainolēs*, i.e. the Latin *paenula*, "mantle." (For an alternate derivation see *Lehnwörter*, 2, 461.) This emendation seems unjustified, for the term appears in all the MS and printed editions, and is more easily identified with the Latin *plumatile*, "an embroidered garment." (Note that the Greek term for embroidery, *ploumion*, also appears in Syriac as *plumia*.) If this conjecture is correct, Sm would then be telling us something not previously stated: If one rends only the embroidery of a garment, it is the same as if he had rent the woof or the basting, and his obligation has not been fulfilled.

## GLOSSARY

*Ab*

the fifth month of the Jewish calendar

*'Ab Beṭ din*

(literally, "Father of the Court") the vice-president of the Great Sanhedrin (see note to ix, 2)

*'Abel*

a mourner

*'Abelut*

mourning

*'Aggadāh* (pl. *'Aggadot*)

the narrative, non-legal, sections of Rabbinic literature

*'Am* (pl. *'Amme*) *ha-'areṣ*

(literally, "the people of the land") generally, the untutored masses; more specifically, those lax in their observance of tithes and Levitical uncleanness

*'Āninah* or *'Āninut*

the ritual status of the mourner between the death of a close kinsman and the burial of the corpse.

*Beṭ din*

court

*'Erusin*

betrothal (see note to ii, 12); cf. *Nisu'in*

*Goses* (pl. *gosēsīm*)

a man in a dying state (see Introduction, p. 9)

*Hāḇar 'ir*

town officials in charge of certain religious functions (see note to xi, 2)

*Hakam*

scholar (see note to ix, 2)

*Hālakāh* (pl. *Hālakot*)

law (see note to vi, 1; and 10th note to viii, 7)

*Hālišah*

the rite releasing a woman from levirate marriage (see note to i, 1)

*Hāluṣah*

a woman released from levirate marriage

*Hāsiḏīm*

- the pious (see note to ii, 11)
- Hazzan*  
officer of the synagogue (see note to xiv, 14)
- Herem*  
a toll or levy (see note to ii, 9)
- Kab* (pl. *Kabbim*)  
a small measure of capacity—one sixth of a *se'ah* (see note to xiv, 11)
- Karet*  
divine punishment through untimely death (see note to iii, 8)
- Kok*  
a burial shaft cut perpendicularly into the wall of the tomb (see note to xiii, 4)
- Ma'āšeh*  
an act; an incident cited to support or refute a ruling
- Masseket*  
a Talmudic tractate
- Meṭ mišwah*  
an unattended corpse (see Introduction, pp. 21f.)
- Mēzuzah*  
the Biblical inscription affixed to the doorpost (see note to vii, 21)
- Miṣwah*  
a religious duty
- Našī'* (pl. *Nēšī'im*)  
(literally "Prince") the president of the Great Sanhedrin (see note to ix, 2)
- Nētinim*  
the descendants of the Gibeonites (see note to iv, 11)
- Nisu'in*  
marriage, as opposed to *'Erusin*
- 'Onen*  
the term applied to the mourner before the burial of his close kin
- 'Orlah*  
the ritual status of the fruit of trees during the first three years after planting (see 4th note to vii, 25)
- Šēlošim*  
(literally "thirty") the rules of mourning that are to be observed for thirty days
- Šema'*



(literally, "Hear!") referring to those sections of Scripture which are recited every morning and evening (Deut. 6:4-9; 11:13-21; Num. 15:37-41)

*Shebat*

the eleventh month of the Jewish calendar

*Šib'ah*

(literally "seven") the rules of mourning that are to be observed for seven days

*Sukkah*

the booth in which one dwells during the festival of Tabernacles (see note to vii, 23)

*Těfillah*

the prayer known as Eighteen Benedictions (see note to x, 1)

*Těfillin*

two small leather cases containing sections of Scripture (Exod. 13:1-10; 11-16; Deut. 6:4-9; 11:13-21), tied with straps to the arm and head

*Těrefah*

(literally, "torn by a beast of prey") an animal discovered to have an organic disease rendering it forbidden (cf. Introduction, p. 9, and last note to vii, 13)

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THE TRACTATE "MOURNING"

*(Šemaḥoꝛ)*

HEBREW TEXT

In an effort to be faithful to MS A, the text has not been vocalized:

(a) in the case of Scriptural verses, because so many of them (generally because of scribal lapses) are at variance with the Masorah;

(b) when the word or form is not found in the Mishnah, in which case there can be no corresponding model for it in the vocalized MS Kaufmann of the Mishnah. (In a few cases the Bible and Mishnaic texts with Babylonian vocalization also served as models.)



ה. האשה שִׁירְשָׁה את הקבר תִּקְבֹּר בָּהּ, היא יוֹצֵאִי יְרִיכָה - דְּבָרֵי רַבִּי מאיר. וְרַבִּי יְהוּדָה אוֹמֵר: היא וְלֹא יוֹצֵאִי יְרִיכָה. וּמוֹדָה רַבִּי יְהוּדָה שאֲנֵינָה הֶרְוֵאִין אוֹתָהּ בְּחַיָּיהָ נִקְבְּרִין עִמָּה בְּמוֹתָן.

ו. אָבִיהָ אוֹמֵר: תִּקְבֹּר אֶצְלִי, וּבַעֲלָה אוֹמֵר: תִּקְבֹּר אֶצְלִי - קוֹבְרִין אוֹתָהּ אֶצְלֵ אָבִיהָ. וְאִם יֵשׁ לָהּ בָּנִים מִבְּעָלָהּ, קוֹבְרִין אוֹתָהּ אֶצְלֵ בְּעָלָהּ. וְאִם הִיא אִמָּרָה: קִבְּרוּ אוֹתִי אֶצְלֵ בְּנִי - קוֹבְרִין אוֹתָהּ אֶצְלֵ בְּנִיהָ.

ז. אִם אָבִיהָ אוֹמֵר: לֹא תִקְבֹּר אֶצְלִי, וּבַעֲלָה אוֹמֵר: לֹא תִקְבֹּר אֶצְלִי - קוֹבְרִין אוֹתָהּ אֶצְלֵ בְּעָלָהּ מִפְּנֵי שֶׁבְּעָלָהּ חָיִב בְּמוֹנְעוֹתֶיהָ, וּבִפְסִירְקוֹנָהּ, וּבִקְבוּרָתָהּ. רַבִּי יְהוּדָה אוֹמֵר: בְּשָׁנֵי חֲלִילִין וּמִקְוֵנוֹת. מְקוֹם שֶׁמִּסְפִּידִין הוּא מִסְפִּיד עַל אֲשֵׁתוֹ. וְאִם לֹא בְּעָלָהּ, אָבִיהָ מִטְפֵּל בָּהּ וְקוֹבְרָהּ וּמוֹצִיאִין מִמֶּנּוּ בְּעַל פְּרָחוֹ.

ח. גִּמְצָאֵת שְׁלֹשָׁה קְבָרוֹת: הַקֹּבֵר שֶׁנִּמְצָא בְּתַחֲלִילָה - מוֹתֵר לְפָטוֹתוֹ, וְאִם פְּיָנָהּ, מְקוֹמוֹ אֲסוּר בִּהְנָאָה; קֹבֵר הַיָּדוּעַ - אֲסוּר לְפָטוֹתוֹ, וְאִם פְּיָנָהּ מְקוֹמוֹ אֲסוּר בִּהְנָאָה; קֹבֵר הַמַּזִּיק אֶת הָרַבִּים - אֲסוּר לְפָטוֹתוֹ, וְאִם פְּיָנָהּ מְקוֹמוֹ בְּטוֹמָאָתוֹ.

ט. קֹבֵר שֶׁהִקִּיפְתּוֹ הָעִיר מִשְׁלֵשׁ רוּחוֹתָיו, אוֹ מִשְׁתֵּי רוּחוֹתָיו זֶה כְּגַד זֶה: אִם הָיָה רְחוּק יָתֵר עַל חֲמִישִׁים אַמָּה מִיִּבְאֵן וְיָתֵר מִחֲמִישִׁים מִיִּבְאֵן - אֵין מְפָנִין אוֹתוֹ; פָּחוֹת מִיִּבְאֵן - מְפָנִין אוֹתוֹ.

י. וְכָל הַקְּבָרוֹת מִתְפָּנִין. אָמַר רַבִּי עֲקִיבָא: מַעֲשֶׂה בְּקִבְרֵי חוּלְדָּה שֶׁהָיָה בִּירוּשָׁלַיִם שְׁלֹא נָעַ בָּהֶן אָדָם מֵעוֹלָם. אָמְרוּ לוֹ: מִשָּׁם רָאִיָּהּ? מַחֲלָה הָיְתָה עֲשִׂיהָ לָהֶן, וּמוֹצִיאָה אֶת הַטּוֹמָאָה לְנַחַל קִדְרוֹן.

י-א. הַמּוֹכֵר דֶּרֶךְ קִבְרוֹ לְחִבְרֹו, לֹא עָשָׂה כְּלוּם. הַמּוֹכֵר מְקוֹם הַסֵּפֶדוֹ, לֹא עָשָׂה כְּלוּם. הַלּוֹקֵחַ מֵעַמֵּד מִתְּחִבְרֹו, שָׁמַן לוֹ וְקָנִי בֵּית אָב אֲרַבְעָה קִבְּרִין. דֶּרֶךְ הַתְּחִיד אֲרַבְעֵ אַמּוֹת. דֶּרֶךְ הָרַבִּים שֶׁשׁ עֲשָׂרָה אַמּוֹת. דֶּרֶךְ הַמְּלָךְ אֵין לָהּ שִׁיעוֹר. דֶּרֶךְ הַקֹּבֵר אֵין לָהּ שִׁיעוֹר. וְהַמִּסְפֵּד אֵין לוֹ שִׁיעוֹר.



צָרִיךְ לוֹמַר מִמָּקוֹם מְכוּבָד לְמָקוֹם בְּזוּי; וּבְתוֹךְ הַקָּבֶר, אֲפִילוּ מִמָּקוֹם מְכוּבָד לְמָקוֹם בְּזוּי הָרִי זֶה מוֹתֵר שֶׁפֶּן הוּא כְּבוֹדוֹ.

ח. אֵין קוֹבְרִין שְׁנֵי מֵתִים זֶה בְּצַד זֶה, וְלֹא אֶת הַמֵּת בְּצַד עֲצָמוֹת, וְלֹא הָעֲצָמוֹת בְּצַד הַמֵּת. רַבִּי יְהוּדָה אוֹמֵר: כָּל הַשָּׁן עָמּוּ בַחַיּוֹ וְקָבְרָ עָמּוּ בַּמּוֹתוֹ.

ט. קָבֶר שְׁפִינָהוּ, מוֹתֵר בִּהְנָאָה אָבֵל לֹא יַעֲשֶׂהוּ בֵּית הַתָּבֶן, בֵּית הַבָּקָר, וְלֹא בֵּית הָעֵצִים, וְלֹא בֵּית הָאוֹצְרוֹת. כּוֹף שְׁפִינָהוּ אֲסוּר בִּהְנָאָה. קָבֶר שְׁעָשְׂאוּ לִשְׁם חַי – יִמָּכֵר; לִשְׁם הַמֵּת – לֹא יִמָּכֵר. אֲבָנִים שֶׁחָצְבָן לִשְׁם חַי – יִמָּכְרוּ; לִשְׁם הַמֵּת – לֹא יִמָּכְרוּ. אֶרֶץ שְׁפִינָהוּ אֲסוּר בִּהְנָאָה; וְאִם הָיְתָה שָׁל אָבִן וְשָׁל חֶרֶס – יִשָּׁבֵר; וְשָׁל עֵץ – וְשָׂרְף. הַמוֹצִיא גִסְרִים בְּבֵית הַקָּבֵר, לֹא יוֹזֵם מִמָּקוֹמָם.

### פֶּרֶק אַרְבַּעַ עֶשֶׂר

א. אֵין מוֹצִיאִין אֶמֶת הַמֵּים בֵּין הַקָּבֵרוֹת; וְלֹא יַעֲשֶׂה שֵׁם שְׂכִיל, וְלֹא יִרְעָה שֵׁם בְּהֶמְתּוֹ, וְלֹא יִטִּיל שֵׁם, וְלֹא יִלְקֹט מִשָּׁם עֲצִים וְעֶשְׂבִּים. וְאִם לִיקָטָן אֲסוּר בִּהְנָאָה; וְאִם בְּשִׁבִּיל הֵנָּה עָצְמוּ לִיקָטָן, וְשׂוֹרְפָן בְּמָקוֹמָם.

ב. כָּל גּוֹרֵנִי הַנִּחְלוֹת עוֹבְרוֹת מִמָּקוֹם לְמָקוֹם, וְנִעְקְרוֹת מִמִּשְׁפָּחָה לְמִשְׁפָּחָה. הַקָּבֶר אֵינוֹ עוֹבֵר מִמָּקוֹם לְמָקוֹם, וְאֵינוֹ נִעְקֵר מִמִּשְׁפָּחָה לְמִשְׁפָּחָה.

ג. קָבֶר חֹדֶשׁ גִּמְדָד וְגִמְכָר וְנִחְלָק; יֵשֶׁן לֹא גִמְדָד וְלֹא גִמְכָר וְלֹא נִחְלָק. יֵשׁ קָבֶר חֹדֶשׁ שֶׁהוּא כְּקָבֶר יֵשֶׁן; וְיֵשׁ יֵשֶׁן שֶׁהוּא כְּחֹדֶשׁ. כִּיצַד? יֵשֶׁן שֶׁקָּבֶר בּוֹ עֲשָׂרָה מֵתִים שְׁלֹא בְּרִשּׁוֹת הַבְּעָלִים, הָרִי זֶה כְּקָבֶר חֹדֶשׁ – וְגִמְדָד וְגִמְכָר וְנִחְלָק. חֹדֶשׁ וְקָבֶר בּוֹ גִּפְלֵ אֶחָד בְּרִשּׁוֹת, הָרִי זֶה כְּקָבֶר יֵשֶׁן – וְלֹא גִמְדָד וְלֹא גִמְכָר וְלֹא נִחְלָק.

ד. קָבֶר גָּלִין אֵין לָהֶם חֻזְקָה. בְּשַׁעַת הַדְּבָר, בְּשַׁעַת הַמִּלְחָמָה אֵין לָהֶם חֻזְקָה. רַבֵּן שְׁמַעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר: הַגִּפְלִים אֵין קוֹנִין אֶת הַקָּבֶר. הַקָּבֶר שְׁלֹא בְּרִשּׁוֹת אֵין לוֹ חֻזְקָה.













בְּהִלְכוֹת אֲבִילִים. וְאִם טָעוּ, מְשִׁיבֵן בְּשָׁפָה רַפָּה; וְהוּא אֵינוֹ שׂוֹאֵל. וְאִם רָצָה, מְדַבֵּר בְּפָנָיו עֲצָמוֹ; וְאִם לֹא, נוֹתֵן רְשׁוֹת לְאַחַר שִׁדְבָר עַל יָדָיו. וּמַעֲשֶׂה שְׁמַת בְּנֹשֶׁל רַבִּי יְהוּדָה, וְנוֹתֵן רְשׁוֹת לְאַחַר לְדַבֵּר עַל יָדָיו. וּמַעֲשֶׂה שְׁמַת בְּנֹשֶׁל רַבִּי יוֹסִי הַגִּלְלִי, וְנוֹתֵן רְשׁוֹת לְאַחַר שִׁדְבָר עַל יָדָיו. וּמַעֲשֶׂה שְׁמַת בְּנֹשֶׁל רַבִּי עֲקִיבָא, וְהָיָה יוֹשֵׁב וְדוֹרֵשׁ כָּל הַיּוֹם. וְזוֹ הָיָה מַעֲשֶׂה בְּרַבִּי, וְהָיָה יוֹשֵׁב וְדוֹרֵשׁ כָּל הַיּוֹם.

יב. אֲבָל בְּשַׁבַּת רֵאשׁוֹנָה אֵינוֹ נִכְנָס לְבֵית הַכְּנֶסֶת. שְׁנֵייהָ, נִכְנָס וְאֵין יוֹשֵׁב בְּמִקְוָמוֹ. שְׁלִישִׁית, נִכְנָס וְיוֹשֵׁב בְּמִקְוָמוֹ וְאֵינוֹ מְדַבֵּר. רְבִיעִית, שָׁוָה לְכָל אָדָם. רַבִּי שְׁמַעוֹן אוֹמֵר: בְּרֵאשׁוֹנָה וּבְשְׁנֵייהָ, אַחֲרִים בְּאֵין אֲצִלוֹ וּמִנְחָמִין אוֹתוֹ. שְׁנֵייהָ, הִיא רֵאשׁוֹנָה. שְׁלִישִׁית, הִיא שְׁנֵייהָ. רְבִיעִית, שָׁוָה לְכָל אָדָם. רַבִּי מֵאִיר אוֹמֵר: רֵאשׁוֹנָה וּשְׁנֵייהָ, אֵינוֹ בָּא לְבֵית הַכְּנֶסֶת. שְׁלִישִׁית, נִכְנָס וְיוֹשֵׁב בְּמִקְוָמוֹ. רְבִיעִית, שָׁוָה לְכָל אָדָם. בְּמָה דְּבָרִים אֲמוּרִים? בְּבֵית הַכְּנֶסֶת; אֲבָל בְּבֵית הַמִּדְרָשׁ, עוֹלָה אֲפִילוֹ בְּשַׁבַּת רֵאשׁוֹנָה.

יג. חֲכָם שְׁמַת, בְּבֵית הַמִּדְרָשׁ שְׁלוֹ מְשַׁנֵּן אֶת מְקוֹמָן; וְשֹׁאֵר כָּל בְּתֵי מִדְרָשׁוֹת עֲסוֹקִין בְּאוֹתוֹ עֲנִיִן. אֲבָּ בֵּית דִּין שְׁמַת, בְּתֵי מִדְרָשׁוֹת שְׁלוֹ בְּטִילִין; וְשֹׁאֵר כָּל בְּתֵי דִינִים וּמִדְרָשׁוֹת מְשַׁנֵּן אֶת מְקוֹמָן. נָשִׂיא שְׁמַת, כָּל בְּתֵי מִדְרָשׁוֹת בְּטִילִין. לֹא שִׁיְהוּ בְּטִילִין וּמְטִילִין בְּשׁוֹק, אֲלֵא יוֹשְׁבֵין עֲגוּמִין וְדוּמִין כְּבִנְי אָדָם שׂאִין לָהֶם פְּרוֹס. וּמִשְׁתַּנֵּי שַׁעַת הָעֶמְדָּה לַעֲמוּד בְּבֵית הַכְּנֶסֶת, קוֹרִין שְׂבָעָה וּמַמְעִטִין בְּעֶסֶק וְעוֹמְדִין.

יד. אֵין אוֹמְרִין לֹא הִלְכָּהּ וְלֹא אֲנִידָה בְּמִדְרָשׁ שֶׁל אֲבָל. צָרְכוֹ לִשְׂאוֹל, מִתְּחִלִּין בְּעַנְיִן הִילְכוֹת אֲבִילִים וּפּוֹרְשֵׁין לְעַנְיָנִים אַחֲרִים וְחוֹתְמִין בְּהִילְכוֹת אֲבִילִים. רַבִּי חֲנִינָה בֶן גַּמְלִיאֵל הָיָה אוֹמֵר אֲנִידוֹת בְּמִדְרָשׁ שֶׁלְּאֲבָל.

טו. בִּיהוּדָה נוֹתֵן שְׁלוֹם בְּכַנְיָסְתָן וּבִיצִיאָתָן. וּבְגִלְלִי לֹא הָיוּ אוֹמְרִין לֹא בְּכַנְיָסְתָן וְלֹא בִיצִיאָתָן. אָמַר רַבִּי יוֹסִי: בִּיהוּדָה מְפָנִי מֶה נוֹתֵן שְׁלוֹם בְּכַנְיָסְתָן וּבִיצִיאָתָן? מְפָנִי שֹׁאִין אֲבִילוֹת בְּשַׁבַּת.



ገ.ጸ. ሰርዎ ርሪ ሆረሲ፡፡ ሰርዎ ሸፀህ ሩ፡ ፀህ' ፎክ ሲጸር፡፡ ረፍ፡፡ ሲጸር፡፡ ሲጸር፡፡

[illegible]

ՀՀ, թէս եւ Թժժաւս ԲԳԷ: ԶԼԼՆ ԶՆԻԱԼԼ: ԵՎԼՆ, թէս ԲԳԷԸ:  
ՍԽ, ՀՀ, թէս եւ Թժժաւս ԲԳԷ ՆՍ ԸԹԶԸ: ԵՎԼՆ, թէս ԲԳԷ ԼԲԶԸ:

உருவம் உடைய பூதங்கள் அல்ல நான் பூதம்; உருவம் இல்லாதது நான்.

[illegible]

‘நீயிடம் உன்னை’ உன்னை உன்னை உன்னை.

[illegible]

၁။ ဝံ့ဗဝ် မုဒုဉ်း၊ သင်္ခမ္ပန္တိ နံ ပုပ္ဖာ၊ တေ ညီသုယျ တေသုယျ၊ သင်္ခမ္ပန္တိ နံ ပုပ္ဖာ၊

[illegible]

စံနှုန်း ပြင်ဆင်ရန် နှစ် ပထမ နှစ်ပတ်လည် အစီရင်ခံစာ နှစ် ပထမ နှစ်ပတ်လည် အစီရင်ခံစာ

[illegible]

နိမိတ်တို့သည် ငါတို့၏ အိမ်ထောင်ရေးနှင့် အသက်မွေးဝမ်းကျောင်းတို့ကို ပြုစုပေးသော အရာတို့ဖြစ်သည်။

ՀԹՈ ՇԵԼԼ – ԲԱՇԸՎ՝ ԱՆԼԵ ՀԳՐՎ՝ ԸՆԼՈՒՈ ՌՄ ԶԻՆՆԵՂՈ – ԶԱԵԼԼ՝

**နိဗ္ဗာန်** : နိဗ္ဗာန်၊ နိဗ္ဗာန်၊ နိဗ္ဗာန်၊ နိဗ္ဗာန်၊ နိဗ္ဗာန် - နိဗ္ဗာန်။

1. ព្រឹត្តិបត្រ ប្រជាជន កម្ពុជា ថ្ងៃ ពុធ ១០ មិថុនា ១៩៧៥ ឆ្នាំ ទី ១៩ ទំព័រ ១២៧

இன்று உன் கையில் எதுவும்

[illegible]

၂. ဦးစီး နှင့် ပူးတွဲ ပါဝင်မှု အပါအဝင် အင်အား နှင့် နည်းလမ်း အရ အကောင်အထည် ဖော်ပြမှု အရ

**နိဗ္ဗာန်၊ နိဗ္ဗာန်၊ နိဗ္ဗာန်၊ နိဗ္ဗာန်၊ နိဗ္ဗာန်**

[illegible]

ပြည်ထောင်စု၊ နယ်နိမိတ် စံချိုး ခံနိုင်ရည် မရှိသော အခြေအနေအထားကို ပြောင်းလဲပေး ရန်နှင့်

[illegible]

५५. ५५. ५५. ५५. ५५.

4. නිවැරදිව සිටින ප්‍රශ්න ඉවත් කිරීම සහ අනෙකුත් ප්‍රශ්න සහිතව පිළිතුරු ලබා දීම.

כִּיבְדֵן בְּחִיָּהֶן, שֶׁהַמְּכַבֵּד בְּחִיָּהֶן אֵינוֹ מְכַבֵּד אֶלָּא מִשּׁוּם יִרְאָה וּמִשּׁוּם יִרְשָׁה, וְהַמְּכַבֵּד בְּמוֹתָן אֵינוֹ מְכַבֵּד אֶלָּא לְשֵׁם שְׂמִיָּם.

כ.ג. כָּל הַמַּצִּיל כְּלִים מִן הַמָּת, הֲרִי זֶה גִּזְלֵל לַמָּת. יֵשׁ שְׂמִצִּיל וְיֵשׁ שְׂאִינוֹ מַצִּיל: אִם עַד שֶׁלֹּא הִגִּיעַ לְאָרוֹן – מַצִּיל; וּמִשְׁהִיגֵעַ לְאָרוֹן – אֵינוֹ מַצִּיל. אֲבָל מִלְּמַדִּין אֶת הָאָדָם שֶׁלֹּא יִהְיֶה תַבָּלָן. וְהָלֹא אָמְרוּ: כָּל הַמְּרַבֵּה כְּלִים עַל הַמָּת, הֲרִי זֶה עוֹבֵר מִשּׁוּם בַּל תִּשְׁחִית – דְּבָרֵי רַבִּי מֵאִיר. וְרַבִּי אֶלְעָזָר בְּרַבִּי צְדוֹק אָמַר: מִנְּוִלוֹ. אָמַר רַבֵּן שְׁמַעוֹן בֶּן גַּמְלִיאֵל: מְרַבֵּה עָלָיו רִימָה. רַבִּי נָתָן אָמַר: הִיא כְּסוּתוֹ שִׁירְדָת עִמּוֹ לְשָׂאוֹל, הִיא עֲמֻקָּה לְעִתִּיד לָבֹא, שְׁנֵאֲמַר: "תַּתְּהַפֵּךְ כְּחוֹמֶר חוֹתָם וַיִּתְּצֻבוּ כִּמוֹ לְבוֹשׁ."

## פרק עשירי

א. אֲבָל כָּל זֶמַן שֶׁמָּתוּ מוּטָל עָלָיו, פֶּטוּר מִקְרִית שְׂמַע, וּמִן הַתְּפִילָה, וּמִן הַתְּפִילִין, וּמִן כָּל מִצְוֹת הָאֲמֻרוֹת בְּתוֹרָה. וְאִם רָצָה לְהַחֲמִיר עַל עַצְמוֹ, הֲרִי זֶה לֹא יַחֲמִיר מִפְּנֵי כְבוֹד הַמָּת.

ב. הִגִּיעַ זֶמַן הַמִּקְרָא, כָּל הָעָם קוֹרִין וְהוּא שׁוֹתֵק וְאֵינוֹ קוֹרֵא. עֲמָדוֹ לְהַתְּ-פִּיל, כָּל הָעָם מִתְּפִלְלִין וְהוּא מַצְדִּיק עָלָיו אֶת הַדִּין. וּמֵהוּ אָמַר רַבֵּן הָעוֹלָמִים, חֲטָאתִי לְפָנֶיךָ, וְכִמְעַט מִחוּבֵי נִגְבִּיתִי. וְהָלֹא הִרְבֵּה מִיֵּן הָיִיתִי שְׂוֵה. יְהִי רָצוֹן מִלְּפָנֶיךָ שֶׁתַּגְדִּיר אֶת פִּירְצָתִי, וַתִּנְחַמְנִי. רַבִּי שְׁמַעוֹן בֶּן אֶלְעָזָר אָמַר: אֵף הוּא שׂוֹאֵל כָּל צָרָכֵי הַמָּת.

ג. אֲבָל אוֹכֵל אֶצֶל חֲבֵירוֹ. וְאִם אֵין לוֹ חֵבֶר, אוֹכֵל בְּבֵית אַחֵר. וְאִם אֵין לוֹ בֵּית אַחֵר, עוֹשֶׂה לוֹ מַחֲצִיָּה וְאוֹכֵל. וְאִם אֵינוֹ יָכוֹל לַעֲשׂוֹת מַחֲצִיָּה, הוֹפֵךְ פָּנָיו כְּלָפֵי הַכּוֹתֵל וְאוֹכֵל. וְאֵינוֹ מִיֵּסֵב וְאוֹכֵל, וְאֵינוֹ אוֹכֵל כָּל צָרְכוֹ, וְאֵינוֹ שׁוֹתֶה יַיִן. וְאֵינוֹ אוֹכֵל בֶּשֶׂר, וְאֵין מְזֻמָּנִין עָלָיו. וְאֵין אוֹמְרִים לוֹ: בָּרָךְ. בְּמָה דְּבָרִים אָמֻרִים? בַּחֹל. אֲבָל בַּשָּׁבָת, אוֹכֵל כָּל צָרְכוֹ, וְאוֹכֵל בֶּשֶׂר, וְשׁוֹתֶה יַיִן, וּמְזֻמָּנִין עָלָיו. רַבֵּן גַּמְלִיאֵל אָמַר: אֲבָל בַּשָּׁבָת כְּאֵילוֹ אֵינוֹ אֲבָל.

ԸՍ — ԿՆ ԴՆՆ՝ ԵՒԵԼ՝ ԵՒԵԼ ՆՍ ՆԵԱ ԻՆՅԱ ԵՍԻՍԻ ԵՆԵԿ  
 ԱԳ ԵՍՍ ԼՍԼԼ ԵՒ ԻՊԵՍ՝ ՆՕ ԿՆԿՍԼ ԸՍ — ԴՆՆ՝ ԻՆՕ ԶՆՍԼ ԻՍԼ  
 ՆՍ ԵՒԿ՝ ԼՍԵԿ ԵՍՍ ՆՆ ԴԵԿ ԶԵԼ՝ ԶԵԼՍԼ ԿՒ ՆՍ ԵՒԿ՝ ԵՒԼԼ  
 ԵՒԿ ԵՍՍ ԵՒԿԿ ԵՍ՝ ՊԵԿԿ ՆՍ ԵՍԼ ԴԵԿ ԵՆ ԶԵԼ՝ ԶԵԼՍԼ ԿՒ  
 ԵՆ՝ ԵՆՆ ԵՍԿԵԼ ԶԼԼ ԶԵԼ՝ ԵՒԵՍ ՊԿ ԸՍ՝ ԵՒԼ ԻՍ ԵԿԿ ՆՍ ԵՍՍ՝ ԵՒԵԼ

ԵՒԿ՝ ԶԶՍ ԵՒԵՆ ՕՍՕ՝ ՆՆ ԼՊՆ՝ ԶԶԼ՝  
 ԶԵԶԼ ԵՒ ՆՍ ՆԵԱ՝ ԵՆՆ՝ ՊԵՍ՝ ԵՒԼ ԻՍ ԵՒԼԼ ԵՒՆԵԼ՝ ԵՒՍԼ ԿՒ ՆՍ  
 ԼՍԼԼ ԵՒԼԼ՝ ԼԵ՝ ՊԵԼ՝ ԵՒ ՆԶՆԼ ՆԵԼ՝ ԵՒՆԿ ԵՒԵԼ ԵՒԵԼԼ ԶԶԼ  
 ԶԵԼ՝ ԶԵԼԼ՝ ԶԵԼԼ՝ ԵՒԵԼ՝ — ԵՒԼ՝ ԼԵ՝ ՊԵԼ՝ ԼԵ՝ ՆԶՆԼ ԼԵ՝  
 ԵՒ ԵՒԼԼ՝ ՊԵԼ՝ ԵՒՆԼ՝ ԵՒ ԵՒԼԼ՝ ՊԵԼ՝ ԵՒՆԼ՝ ՆՕԼ ԶԵԼԼ՝  
 ԵՒ ԵՒԼԼ՝ ԵՒՆԼ՝ ԵՒԼԼ ԵՒԵԼ ԶԶԼ՝ ԶԶԼ ԶԵԼԼ՝ ՊԵԼ՝ ԶԵԼԼ՝ ՆՍԼ  
 ԵՒԶԶ ԵՒԵԼ ԵՒԵԼ՝ ՆՆ ԼՊՆ՝ ԶԶԼ՝ ՆԶՆ ՆՕ ԵՒ ԵՒԼ ԵՒԼ ՊԵԼ

ԶԼԼ՝ ՆՍ ԼԵՆ՝  
 ԵՒԼ՝ ԱԶ՝ ԱԶ ԵՒ ԵՒԼ՝ ԵՒԼ՝ ԵՒԼ ԶԶԼ՝ ԱԼ ԵՒ ԼՊԵ ԵՒ՝ ԵՒԼ  
 ԼԵԶԼ՝ ԵՒ ԵՒԼ՝ ԵՒԼ ԶԶԼ՝ ԵՒԼ ԵՒԼ՝ ԵՒԼ ԻՍ ԵՒԼ՝ ԱԶ  
 ՆԵԼ՝ ԱԶ ՊԵԼ՝ (ԱԶ ՊԵԼ՝ ԼՍՍ ՊԵԼ ԶԶԼ ԵՒԼԼ ԵՒԼ՝ ԵՒՆ՝  
 ԼԱԶ ՊԵԼ ՊԵԼ՝ — ԿՆ՝ ՆԶՆ ՆՕ ԵՒ ԱԼ՝ ԱԶ՝ ԼԱԶ ՍԼԼ ԵՒԼ՝  
 ՆԵԼ՝ ՆԵ ԱԶ ԵՒ ԵՒԼ՝ ԼԱԶ ԵՒ ԵՒ՝ ԼԱԶ ՊԵԼ՝ ԵՒԼ՝  
 ԶԶԼ ԵՒԼ՝ ԵՒԼ՝ ԼԵԶԼ՝ ԵՒԼԼ՝ ԼԱԶ ԵՒԼ՝ ԼԱԶ ԵՒԼ՝ ԼԱԶ  
 ԵՒ՝ ԼԱԶ ՊԵԼ՝ ԵՒԼ՝ ԼԱԶ ՍԼԼ ԵՒԼ՝ ԼԱԶ ՊԵԼ՝ ԼԱԶ ՊԵԼ՝ ԼԱԶ  
 ԼԱԶ ՊԵԼ ՊԵԼ՝ ԵՒՆԼ՝ ԱԶ ՆԵԱ ԼԱԶ ՆԵ՝ ԼԱԶ ԼԵՒ ՊԵԼ՝ ԵՒԼ՝

ԵՒԼ՝ — ԴՆՆ՝ ՆՆ՝ ԵՒԼ՝ ԵՒ ԵՒԼ՝ ԵՒ ԵՒԼ՝  
 ԼՍՍ ԵՒԼ՝ ԼՍՍ ԵՒԼ՝ ԼՍՍ ԵՒԼ՝ ԼՍՍ ԵՒԼ՝ — ԿՆ ԴՆՆ՝ ԵՒԼ՝  
 ՆՆ ԵՒԼ՝ ԼԵ՝ ԼՍԼԼ ՆԵԼ՝ ԵՒԼ՝ ԶԶԼ ՆՍ ԵՒԼ՝ ԼՍՍ ԵՒԼ՝  
 ԵՒԼ՝ ԶԶԼ՝ ԵՒ ԵՒԼ՝ ՆՕԼ ԿՒ ՆՂ ՊԵՍ ԵՒԼ՝ ԼՍԼ՝ ԵՒԼ՝  
 ԴՆ՝ ԼԵ՝ ԼՍԼԼ ՆԵԼ՝ ԴՆ՝ ՆՕԼ ԼԵ՝ ԼՍԼ՝ ԵՒԼ՝ ԵՒԼ՝ ԵՒԼ՝  
 ԼՍ՝ ՆՂ ԵՒԼ՝ ՆԶՆ ԵՒ ՊԵՍ ԵՒԼ՝ ԵՒԼ՝ ԶԶԼ՝ ԶԶԼ՝ ԵՒ ԵՒԼ՝ — ԿՆ









[illegible]

ԲԱՌԱՅ ԼԵՏԻՈ ՇԼ ԻՇԵ ՌՈԼ ԲՈՅ ԽՈԼ ԲԱՌԱՅ ՆՍ ԿՈԼՈՂԻՃ՝  
 ԲՈՒՄ ԻՍԲԱՆ ՆՍ ԲՆԵՈ՝ ԶԳԵՆ ԲՈՒՄ ԲՆԵՈ ՅԶԻՆ ԸՎ՝ ՋԵՆՆԵԼ՝ ՝ՏԶ  
 ԵՈՒՅԶԻՆ ԸՎ՝ ՋԵՆՆԵԼ՝ ՝ՏԶԵՍ Ե ԿՈԼ ԵԿԵԿԵԼ ՏՈ ԿՈԼՈՂԻՃ՝ ՝ԼԵՏԻՈ  
 ԸՈՇԵԶԻՍ ԸՎ ԶԵՄԻՍ ԵՄԵԵՍ՝ ԸՄԵ ԻՇՍ ԻՆԵՍ ՆՍ ԲՆԵՈ՝ ԶԳԵՆ ԻՇՍ  
 ԲՈՒԵՍ ՆՍ ԲՆԵՈ ՆԻՍ ԲՈՒՄ ԵՄ ՏԶ ԼԻՎ՝ ԻՇԶ ԲԵԲՈՒՄ ՆՍ ԲՆԵՈ ՆԻՍ  
 ՆՍ ԵՄՆ՝ ՆՋՈՒ ԿԼՏ ՆԻՆ ՋԵԵՆ ԸՆ՝ ԲՆՋԻՈ ԲԵՄ ԲԱՆ՝ ՋԵԵՍ ՆՍ ԲՆԵՈ ԻՇԶ  
 ՆՆԵՎ ԲՆՍ Զ՝ ՋԵՏԵՍ ԸՆՈ ԵՎԵԼԵՈ ԸՄԵՍ ԵՄ՝ ԻՇՄ ՋՆՆԼՈ ԼԻՅՍ ԶՎԵԼ  
 ԵՍ՝ ՋՈՒՄ ԻՆՈՒՄԵՍ ԵՄՍՍՈ ՆՋՈՒ ԶՄՈ ԵՎԵՍ ԻՇՄՈ՝ ԸՆՍՈ՝ ԸՆՆ՝  
 ԸԸԼԼԻ ՆՍ ԵՆ՝ ՏԶԵՆ՝ ԲԵՄՈ ԻՇՆ ԸՆՆՆ՝ ՆՋՈՒ ԿԼՏ ՆԻՆ ՋՄԵԼԵՈ ԸՆՆ՝  
 ԸՄԵ՝ ՆԵՄ՝ ԼԼԻՈ ԸԸԼԼԻ ՆՍ ԵՆ՝ ՏԶԵՆ՝ ՆԵՄ՝ ԶՎԶ ԸՆՆՆ՝ ԲՆՆԵՄ՝  
 ԸՄ ՋՆՆ՝ ԲՇՈ՝ ԿՈ ԸՄ՝ ԲՇԸՈ ԸՄԵ՝ ԻՇՄ ՋՆՆ՝ ՏԵՄ՝ ԿՈ ԸՄ՝ ՏԵՄ՝  
 ՏՆՆ՝ ԸՎ ԸՇԸՈ ԸՆ՝ ԲՇԵԼԻՍ ԼՄԵ ՏԶՆ ԼԵԼՄ՝ ՆԲՆՆ՝ ԿՈԼՈՂ ԸՇՆՆ՝ Զ՝  
 ԸԼՍ ԵՄ՝ ՋԶ ԵՆ՝ ՏԶԵՆ՝ ՆՆԼ ԶՄՆ՝ ԲՆՆՆ՝ Զ՝ ԸՇԸՈ ԸՆ՝ ԲՇԵԼԻՍ՝ ԵՎ՝  
 ԸՆՆՆ՝ ԻՆՆՆ՝ ՆԻՍՍՈ ԲՆԸԼ ԸԸԸԼԻՍ ՋԶ ԸՍ՝ ԲՇԵՆ՝ ԶՆԻԶ ԶԸ՝  
 ԸՆՆՆ՝ ԻՆՆԼ ԶՄՈ՝ ՆԲՆՆ՝ ԿՈԼՈՂ ԸՇՆՆ՝ – ՏԼ ԸՄ՝ ԲՆՆ՝ ԲՆԸԼ ԸՄԶՆ՝  
 ՋՆՆ՝ ԸՄ ԲՆԸՆ՝ ԻՆՆԼ ԸՎ՝ ԲՇԸՈ՝ ՏԼ ԲՇԶ ԵՄԶՆ՝ ԵՎԼ ՆՍ  
 ԸՎ՝ ԲՇԸՆ՝ ԲՆՆՆ՝ ԶՄԶՆ՝ ԸՄ ԲՇԶՆ՝ ԻՆՆԼ ԸՎ՝ ԸՇՈ՝ ՆՆԼ ԶՄՈ՝  
 ՋԶԵՄ՝ ԸՄ ԲՆՆՆ՝ ԻՆՆԼ ԸՎ՝ ԸՇՆ՝ ՆՆԼ ԶՄՈ՝ ՋՆՆ՝ ԸՄ ԲՇՆ՝ ԻՆՆԼ  
 ՋԶ ԵՆ՝ ՏԶԵՆ ԵՎՆ՝ ԸՄ ԸՇԶ ԸՆՆ՝ ԲՆՆՆ՝ ՋՎ ՆՋՈՒ ԸՎՆ՝ ԸՆՆ՝

















14. անգամ և զնուրբ. անգամ և զնուրբ. անգամ և զնուրբ. անգամ

ՍԼԵՈ՝ ինքն արդև զի օր քաղաք.

ճշ անգամ և ՍԼԵՈ՝ ՍԼԵՂ արդև զի օր քաղաք. իճ ինքն անգամ և  
 իճ քաղաք քնուր անգամ իճ իճ քաղաք. ճշ իճ և լճ:

15. ՍԼԵՂ արդև ճշ իճ անգամ. իճ զն արդև զի ճշ և իճ:

և քաղաք քաղաք և քաղաք և քաղաք.

16. իճ և քաղաք քաղաք ճշ ՍԼԵՂ. զն և իճ և իճ և իճ և իճ և իճ. իճ իճ

և իճ ՍԼԵՈ և իճ և իճ և իճ ճշ ճշ.

և իճ ՍԼԵՂ. իճ և իճ և իճ և իճ և իճ և իճ և իճ և իճ և իճ.

և իճ ՍԼԵՂ. իճ և իճ և իճ և իճ և իճ և իճ և իճ և իճ և իճ.

17. իճ և իճ և իճ ճշ ճշ. իճ և իճ և իճ և իճ և իճ և իճ և իճ և իճ և իճ.

և իճ և իճ.

և իճ. զն և իճ և իճ և իճ և իճ և իճ և իճ և իճ և իճ.

18. իճ և իճ և իճ և իճ և իճ և իճ և իճ և իճ և իճ.

և իճ և իճ.

և իճ և իճ. իճ և իճ և իճ և իճ և իճ և իճ և իճ և իճ.

19. իճ և իճ և իճ և իճ և իճ և իճ և իճ և իճ և իճ.

և իճ և իճ և իճ և իճ և իճ և իճ և իճ և իճ և իճ.

և իճ և իճ և իճ և իճ և իճ և իճ և իճ և իճ և իճ.

և իճ և իճ և իճ և իճ և իճ և իճ և իճ և իճ և իճ.

և իճ և իճ և իճ և իճ և իճ և իճ և իճ և իճ և իճ.

20. և իճ և իճ և իճ և իճ և իճ և իճ և իճ և իճ և իճ.

և իճ.

և իճ և իճ և իճ և իճ և իճ և իճ և իճ և իճ և իճ.

և իճ և իճ և իճ և իճ և իճ և իճ և իճ և իճ և իճ.





தமிழ் தேசிய பேரவை உத்தரவு எண்.

[illegible]

உத்யோகம்

[illegible]

Ա՛. Ե՛ճճԷ Թ՛ՆԵՀ Ե՛Մ Ե՛ՊԼ ԸԼ Ե՛Մ՝ Ի՛ՇԴՈ ՀԵ՛Մ: Թ՛ՀԹ՛ Ի՛ՃՈ – ՃԱԿԼ:

ՄԻՆ՝ Հ՛ՄԵԼՄԵ՛.

[illegible]

၁-၂။ ငါ့အဖေ ငါ့အမိက ပျော်စရာ အခါတိုင်း ငါ့အဖေ - အဖေက ငါ့အဖေ ငါ့အမိက ပျော်စရာ အခါတိုင်း  
 ငါ့အဖေ

බිඳෙහි දැමූ ඔබ්බෙහි ඇති දිශාව: දකුණින් ඔබ්බෙහි - බිඳෙහි දැමූ ඇති  
 දිශාවෙහි ඇති දිශාව: දි. ඔබ්බෙහි දි බිඳෙහි ඇති: දිශාවෙහි දි -

[illegible][illegible][illegible]

ፎላጦ ሆሊጸጋህ ነፍሳጦ ሆጃ፤ ጸጡ ቢሆሉ ህፎረዳህ፤ ፎላጦ ሆጃዳጌ፤ ቢሆሉ ህፎረዳህ፤  
 ረገሽህ፤ ሠረጽሽ፤ ፎድ ጠረጽህ - ፎረርሺ፤ ርፎ ጸረጽሽ፤ ርፎ፤ ሠጃጽ ጸረ።

[illegible][illegible]



[illegible]

ግሉጽ ምርጫ ማድረግ ሲቻል ለዚህ ዓመት ለጥቅምት 15 ቀን ውስጥ ማድረግ ይቻላል።

[illegible][illegible][illegible]

མྱོང་ལ ཡུལ་ཁུངས་: རྩིས་ལ - སྤྱོད་: རྩིས་འོག - ལུས་. རྩིས་ལུས་ རྩིས་ལུས་

ወይም ሲሆን ማንኛውም ሌላ ማሳሰቢያ ሊጠቀስ ይችላል፡

[illegible]

**၆၄. နံ့သာ ပုစွန်ဖုတ်**

[illegible]

ᐅᑲᑦᑦ ᐱᑦ ᐅᐅᑦᑦ ᑦᑦᑦᑦ ᐅᑦᑦᑦᑦ ᐅᑦᑦᑦᑦ - ᐱᑦᑦᑦ ᑦᑦᑦᑦᑦ ᐅᐅᑦᑦ ᑦᑦᑦᑦ ᐅᑦᑦᑦᑦ.

[illegible][illegible]

— ԹԵՄ Ա՛ յԼՏԷՄ ԹԵՄ ՆՍԼՄ:

፲፪. እንዲሁ ሆኖም ዘላለም፡ እወ ሩዝ እርሴ ፍጹህ' ነፍሴህ ህገ ክብር፡

၁. ပေါ်ပေါက်လာသော အခွန်နှင့် အခွန်အခကြေးငွေ ပေါ်ပေါက်လာသော အခွန်အခကြေးငွေ - ပေါ်ပေါက်လာ

- ၁၀၆၂ နှစ်၊ မိုးရာသီ - ၁၀၆၃ နှစ်

[illegible][illegible][illegible][illegible][illegible]

តើឯង ៤ ឆ្នាំ ប៉ុន្មានឆ្នាំ

၄. ရွာနယ် နှင့် မြို့နယ် နယ်နိမိတ် အတိုင်း နယ်နိမိတ် နှစ်ဖက် နယ်နိမိတ် နှစ်ဖက်





ו. על כל אלה שאמרו: כֹּהֵן מִטְמֵא – אֵין רְשׁוּת אֶלָּא חוּבָה. רַבִּי שְׁמַעוֹן אוֹמֵר: רְשׁוּת. רַבִּי יְהוּדָה אוֹמֵר: חוּבָה. מַעֲשֶׂה בַּיּוֹסֵף הִכְהֵן שְׁמִתָּה אֶשְׁתּוֹ בַּעֲרֵב פְּסָחִים, וְלֹא רָצָה לְטַמֵּא לָהּ. וּדְחַפּוּהוּ חֲכָמִים, וְטִימְאוּ אוֹתוֹ בַּעַל כְּרָחוּ, וְאָמְרוּ לוֹ חֲכָמִים: אֵין רְשׁוּת אֶלָּא חוּבָה.

ז. עַד מָתַי מִטְמֵא לָהּ? רַבִּי מֵאִיר אוֹמֵר: כָּל אוֹתוֹ הַיּוֹם. רַבִּי שְׁמַעוֹן אוֹמֵר: עַד שְׁלֹשָׁה יָמִים. רַבִּי יְהוּדָה אוֹמֵר מִשּׁוּם רַבִּי טַרְפוֹן: עַד שְׁיִסְתּוֹם הַגּוֹלָל. וּמַעֲשֶׂה שְׁמִת שְׁמַעוֹן בֶּן יְהוֹצָדָק בְּלוֹד, וְכֹא יוֹחֲנָן אָחִיו לְטַמֵּא לוֹ מִן הַגּוֹלָל מֵאַחֵר שְׁנִסְתָּם. וּבֹאוּ וְשִׂאֲלוּ לַחֲכָמִים, וְאָמְרוּ: אֵל יִטְמֵא, אֶלָּא פִתְחוּ לוֹ אֶת הַקֶּבֶר וַיִּרְאֶה. מַעֲשֶׂה בְּתַנּוּק אֶחָד שֶׁכָּתַב וְכִסּוֹ לְאַחֲרִים וְהִנִּיחַ בְּנֵי מִשְׁפַּחְתּוֹ, וּבֹאוּ בְּנֵי מִשְׁפַּחְתּוֹ וּמַעֲזָרִין וְאוֹמְרִין: יִבְדֹּק. וּבֹאוּ וְשִׂאֲלוּ לַחֲכָמִים, וְאָמְרוּ: אֵל יִבְדֹּק; אַחֵר שְׁנִסְתָּם הַגּוֹלָל אֵין מְזִיזִין אֶת הַמֵּת מִמְּקוֹמוֹ. דָּבָר אַחֵר, כִּיֵּן שְׁמִת הַשִּׁיעָר וְשִׁתְנָה.

ח. כֹּהֵן הַדִּיּוֹט שֶׁהוּא מִטְמֵא לְקְרוֹבוֹ, אֵל יִטְמֵא לְאַחֲרִים אֲפִילוּ בּוֹ בַּיּוֹם. בְּמָה דְּבָרִים אֲמוּרִים? שֶׁשֶּׁשׁ שָׁם נוֹשְׂאֵי הַמִּטָּה וְקוֹבְרֶיהָ; אֲבָל אֵין שָׁם נוֹשְׂאֵי הַמִּטָּה וְקוֹבְרֶיהָ הָרִי זֶה יִטְמֵא. מִטְמֵא וּבֹא, פִּירֵשׁ לוֹ לְמַקּוֹם טַהֲרָה.

ט. הֵיךְ שָׁם שְׁנֵי דְרָכִים, אַחַת קְרוֹבָה וְטַמְאָה, וְאַחַת רְחוֹקָה וְטַהוֹרָה: אִם הָיָה הָעָם הוֹלֵךְ לוֹ בְּרְחוֹקָה, יֵלֵךְ לוֹ עִמָּהֶן; וְאִם לֹא, הוֹלֵךְ לוֹ בְּקְרוֹבָה מִפְּנֵי כְבוֹד הָעָם.

י. הֵיךְ עוֹמֵד וְקוֹבֵר אֶת מֵתוֹ: עַד שֶׁהוּא עוֹמֵד בְּתוֹךְ הַקֶּבֶר – מְקַבֵּל מֵאַחֲרִים וְקוֹבֵר; פִּירֵשׁ – הָרִי זֶה לֹא יִטְמֵא. נִטְמֵא בּוֹ בַּיּוֹם, רַבִּי טַרְפוֹן אוֹמֵר: חַיִּיב; וְרַבִּי עֲקִיבָא אוֹמֵר: פְּטוּר. נִיטְמֵא לְאַחֵר אוֹתוֹ יוֹם, הַכֹּל מוֹדִים שֶׁהוּא חַיִּיב שֶׁהוּא סוֹתֵר יוֹם אֶחָד.

יא. מִיטְמֵא הִכְהֵן עַל הַקְּרוֹבוֹת וְאֲפִילוּ פְּסוּלִים: בָּנוּ וּבָתוּ נְתִינִים וּמִמְזֵרִים, אָחִיו וְאֶחָתוֹ נְתִינִים וּמִמְזֵרִים – הָרִי זֶה לֹא יִטְמֵא. חוּץ מִמֵּי שֶׁשֶּׁשׁ לוֹ מִן הַשְּׁפָחָה וּמִן הַנּוֹכְרִית וּמִי שֶׁשֶּׁשׁ לוֹ מִמְּקוֹם אַחֵר.





- ԸՍ ԵՍԵՆՍ՝ ԻՇ՝ ԸՍ ԱՆԼՈՒՄ ԹԵՄԱՍ՝ ԵՍԵՆՍ՝ ՆՃՆ ԹԵՍ ԶԹԶԹՍ –  
 ԼԵ՝ ՄԻՆ ԵՆ ՆԻՇԱՆԻՈ ՄԻՍԼ՝ ԻՇՆ ԹՆԶԶ ՆՍ ՍՍԶԵ ՄԻ ԹՍԶԶ ՆՍ ՍԹԵՍ  
 ԵՆՈՒԼ՝  
 ԸՍՍ ՍՆԵՆՍՍ ԵՍԼՍ՝ ԶԹԶՍ – ԸՍՍ ԹԶ ՍԵՍ՝ ՍՍԼ ԸՆԵՆ – ԸՍ  
 ԸՍՍ ԹԶ ԵՆԵՍ՝ ԶՆԼԵՆՍ ՄԻ ԶՍԸՍՍ – ԸՍՍ ԼՍԵՍ՝ ԶԹՍՍ – Կ ՍՆ  
 ԸՍՍ ԶՍՍ ՆՍԼ – ԸՍՍ ԹԶ ԻՆՍ՝ ԶԹԶՍ – ԸՍՍ ԹԶ ԵՍԶՍ՝ ԶԹԶՍ –  
 ՍՆԼԵ ԵՄ ՈՒԵ ԶԼԵ՝ ՍՍԼ ԸՆԵՆ – ՍՍՍ ԹԶ ՆԵՆ՝  
 ԵՐԵԼԼ ՈՐՈՍ ՈՐՍ՝ ԻՇՆ ԵՆԼԶ՝ ՆՍԼ ԶՆԼ՝ ԵՄ ՈՐՈՍ ՈՐՍ ՈՐՈՍ ՍՍՍ  
 ՈՐՈՍ ՈՐՍ՝ ԸՍ ԶԹԶՍՍ ԹՍՍ – Կ ՍՆ ԸՍՍ ԹԶ ԵՐԵՍ՝ ԹՆՆՍՍ՝ ՍՆՍ  
 ԶԹԶՍՍ ԹՍՍ – Կ ՍՆ ԸՍՍ ԹԶ ՍԵՍ՝ ԹՆՆՍՍ՝ ՍՆ ՈՐՈՍ ԵՍՍ  
 ԵՍԼՍ՝ ԹՆՆՍՍ՝ ՍՆՆ ԵԶԶ ՈԶ՝ ԵՐԼ ԵԶԶ ՍԼՍ ԵՍՍ՝ ԸՍ  
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 ԸՍ ԵՍՍ ԸՍԸՍՍ – ԸՍ ԵՍԵՆՍ՝ ԸՍ ԶՍԸՍՍ ԹԵՍՍ ԹՍՍ – Կ ՍՆ  
 ԵՆ՝ ԵՆՍ ՄԻ ԶՆԼ ԶԶ՝ ԵՆ՝ ԵՆՍ – ԿՆՆ ԸՆԶ՝ ԻՆՍ ԶՍՍ – ԿՆՆ ԸՆՍ՝  
 ԸՆԶ ԻՆՍ ԶՍՍ – ԿՆՆ ԸՆՍ՝ ԸՆԼ ՆԼԵՆՍ ԻՆԼ ԵՆ ՍՍԸՍ՝ ՆՍ ԹԶ ԶՍ  
 ԸՆԼ ԹԶՍՍ ԻՆԼ ԵՆ ՆԼԵՆՍ՝ ՆՍ ԹԶ ԶՍ ԵՆՍ ՄԻ ԶՆԼ ԶԶ՝ ԵՆՍ – ԿՆՆ  
 ԿՆՆ ԸՆՍ՝ ԸՆԼ ՆԼԵՆՍ ՆԼ ԵՆ ՍՍԸՍՍ ԿՆՆ ԸՆԶ՝ ԼԵ՝ ԹԵՍԼ ՄԻՍԼ՝  
 ԸՆԼ ԹՍԼՍ ԻՆԼ ԵՆ ԹԶՍՍ ԿՆՆ ԸՍՍՍ՝ ԸՆԼ ԹԶՍՍ ԻՆԼ ԵՆ ՆԼԵՆՍ  
 ՆՃՆ ԼԵՆՍ ԹՍՍ ԵՍ՝  
 ԹՍՍ ԵՍ ԼԵՆՍ ԹՆՍ ԵՍ՝ ՍՍԶԶԵՄ ՆՍԼ՝ ՍՍԸՍ՝ ԶՆ ՍՆ ՈՐՍ ՆՍԼՍՍ  
 ԶՆՍ ԸՍՍՍ ԹԶ ԸՍ ՆՃՆ ԼԵՆՍ ԹԶ ԸՍ՝ ԵՍՍԼՍ ՍՆ ՄԻՍԼՍ ԼԵՆՍ  
 ՍՆ ՄԻՍԼՍ – ԹՍՍ ԶՆՍԼ ԸՍՍՍ՝ ՆՃՆ ԹԵՍԹԶԶԶ ԶՆ ՍՆ ՄԻՍԼՍ  
 ԼԵ՝ ՍՍԼՍ ՄԻՍԼ՝ ԵՍԼԹԶԶԶ ՍՆ ՄԻՍԼՍ – ԹՍՍ ԶՆՍ ԸՍՍՍ՝ ԵՍՍԼՍ  
 ԻՆՍՍ ԿՆԼՍ՝ ԶՆ ԸՍԸՍՍ ԵՍՍԸՍ ՆԵԶ ԸՍԸՍՍ ՆԶ ՍՆՍՍ՝  
 ԿՆՆՍ ԵՄ ԵՇԵՍՍ ԵՍ ՆԵՍ՝ ԵՄ ԵՇԵՍՍ ԵՍ ՍՍՍ ԸՆՍ՝ ԹՍԶՍ ՆՍՍ  
 ԵՆՆՍ՝ ՆԶՍՍ՝ ԻՆՍ ՆՍ ԶՆԵՍՍ ԸՆՆՍ՝ ԿՆՆ ԵՆՆՍ՝ ԵՍԸՍ՝ ՍԵԶՍ  
 ՍՍՍԸՍ ԵՍԼՍ ԶՍՆ ԶՍՍ՝ ԿՆՆ ԵՆՆՍ՝ ՆՆՍ՝ ՆՍ ԸՍ ԸՆՆՍ՝ ԿՆՆ





1.

ጃፒኒዝ ሆቴሉ ሩዝ ሲሆን ልጅም ርሩዝ ጸሃይ ሆኖ

٤٠

**ᐱᓚᑦ ᔪᕈᑦ ᓂᓴᑦ:** ᓂᓴ ᑦᓴ ᔭᕈᑦᓴᑦ ᔨᑦᑦᓴᑦ ᑦᔨᑦ.

4

እኛህረ: እዚ ዓብዲስ ህጋዊ ረዕይና ስራ

4.

ᐱᓚᐱᓚ ᐱᓚᐱᓚ ᐱᓚᐱᓚ

५.

ᐃᓴ ᐅᓴ ᐱᐅᓴ.

[illegible]





ԱՐԺԼՆ ՁՁԸԱ ՊՁԱԼԱ  
ՔԷՀ ԼԵԱ.